

Staff Summary Report



To: Mayor and City Council
Through: City Manager

Agenda Item Number 27
Meeting Date: 03/29/01

SUBJECT: SOUTH MOUNTAIN COMMERCE CENTER

PREPARED BY: Steve Venker, Principal Planner (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

BRIEF: Request by City Council to appeal the Design Review Board decision on South Mountain Commerce Center for building elevation, site plan and landscape plan at 2420 West Baseline Road.

COMMENTS: **DESIGN REVIEW APPEALS (0102-05-03)** Request by City Council to appeal the Design Review Board decision on **SOUTH MOUNTAIN COMMERCE CENTER #DRB01011** (Michael Freret, Orsett Southwest, Ltd., Property owner) for building elevation, site plan and landscape plan located at 2420 West Baseline Road.

Document Name: 20010329devsrh11

Supporting Documents: Yes

SUMMARY: Council member Hugh Hallman has requested an appeal of the Design Review Board approval of South Mountain Commerce Center. At the Design Review Board meeting of February 21, 2001 this proposal was discussed for approximately two (2) hours by the Board, the applicant, and several citizens. Issues discussed at the meeting included: eliminating the center portion of the building; adding more masonry to the exterior walls; window shading and other details; the size of the trees in the landscape buffer at the north edge of the site; the type of light source to be used for the exterior lights; the finish floor elevation of the building; the number of driveways on Calle los Cerros; potential storm water flooding that may occur due to, or be prevented by, this development; address numbers; and an ornamental iron fence located near the north property line of the site. The Board deleted conditions 1, 19, and 20 regarding the size and appearance of the building; modified condition 9 regarding parking shade canopies; and added condition 72 regarding an increase in the building setback, and condition 73 regarding the height of the building. The Board approved the request by a 6-1 vote.

- ATTACHMENTS:**
1. List of Attachments
 2. History & Facts / Description
 3. Comments
 4. Conditions of Approval
-
- A. Location Map
 - B. Site Plan
 - C. Grading and Drainage Plan
 - D. Landscape Plan
 - E. Floor Plan
 - F. Building Elevations
 - G. Building Sections
 - H. Letter of Appeal
 - I. Minutes of DRB meeting on 2/21/01

HISTORY & FACTS:

<u>May 20, 1982.</u>	City Council approved the rezoning of the subject site from R1-6 to I-1, with conditions based on a specific site plan.
<u>December 10, 1987.</u>	<p>City Council approved the request for a Preliminary PAD for Centre Development Office Building, consisting of a 240,000 s.f. office building plus 280,000 s.f. parking garage on 9 net acres located at 2400 W. Baseline Road. In addition, the following variances were requested:</p> <ol style="list-style-type: none">Increase the allowable building height in the I-1 Light Industrial District from 30' to 71' (8' to top of penthouse).Increase the allowable lot coverage from 50% to 56%.
<u>March 14, 2000.</u>	The Planning and Zoning Commission approved the request by South Mountain Corporate Center to amend the Preliminary and Final Planned Area Development for a 86,447 s.f. complex on 8.98 net acres.
<u>March 28, 2000.</u>	The Planning and Zoning Commission withdrew the request by South Mountain Corporate Center (Sid Montague, Orsett properties) for an Amended Preliminary and Final PAD.
<u>August 8, 2000.</u>	The Planning and Zoning Commission approved the request by South Mountain Corporate Center to amend the Preliminary and Final Planned Area Development for a 82,000 s.f. complex on 8.98 net acres.
<u>August 16, 2000.</u>	The Design Review Board continued the building elevations, site plan, and landscape plan request by South Mountain Corporate Center located at 2420 W. Baseline Road.
<u>September 6, 2000.</u>	The Design Review Board continued the building elevations, site plan, and landscape plan request by South Mountain Corporate Center located at 2420 W. Baseline Road.
<u>September 20, 2000.</u>	The Design Review Board approved building elevations, site plan and landscape plan for South Mountain Corporate Center, subject to conditions.
<u>November 16, 2000.</u>	At City Council the applicant brought a revised site plan to address some of the neighbors concerns. Council remanded the applicant to take the revised site plan back to Planning Commission and Design Review to be completely reviewed.
<u>January 9, 2001.</u>	Planning and Zoning Commission, by a 6-1 vote, continued this request until February 13, 2001 so the applicant can address ongoing concerns by neighbors.
<u>February 13, 2001.</u>	The Planning and Zoning Commission approved the request by South Mountain Corporate Center to amend the Preliminary and Final Planned Area Development for a 91,000 s.f. complex on 8.98 net acres.

February 21, 2001.

Design Review Board, by a 6-1 vote, approved the request by Butler Design Group for building elevations, site plan and landscape plan for the South Mountain Commerce Center located at 2420 West Baseline Road in the I-1 Light Industrial District.

DESCRIPTION: Owner - Mike Freret/Orsett Southwest
Applicant - Jeff Cutberth/Butler Design Group

COMMENTS: The applicant is requesting approval for a new speculative office building for South Mountain Commerce Center. This is the second proposal the applicant has submitted for this site. The applicant originally submitted an 82,000 s.f. V-shaped single story office building located closer to the north property line and the neighborhood to the north. That submittal created a substantial amount of interest and opposition by neighbors in regards to building design, height, landscaping, lighting, wall design, and traffic. At City Council hearing on November 16, 2000, the applicant presented a revised plan to address some of the neighbors concerns. That plan was for a 91,000 s.f. one story office building located at the southern end of the site with most of the parking located between the building and the residences to the north. At that time Council remanded the applicant to the Planning Commission and Design Review Board for further review and public input regarding the revised site plan.

The revised submittal consists of a 91,000 s.f. multi-tenant office building. The proposed building is "c-shaped" and located at the south side of the site with all surface parking located to the north. Multiple building entries into individual tenant spaces are provided in the inner section of the C-shape, facing north, east and west. The design of the building utilizes tilt panel concrete construction with masonry veneer accent elements and architectural reveals. A four-color paint scheme will be used on the building. Extensive glazing in blue/green reflective glass will accent the corners and south elevation of the building. The screen walls will be masonry and mimic the design of masonry veneer at the base of the south building elevation. The site plan shows three driveways on to the site but will be reduced to two driveways, one on Calle los Cerros and one on Baseline Road. This modification is a recommendation of the Planning and Zoning Commission to mitigate cut-through traffic concerns of the neighborhood. The majority of landscaping and retention will be located along the north and south property lines.

The building's basic architectural design has a simple, industrial appearance that is typically not appropriate for an office building. This site, near the I-10 Freeway and Baseline Road, is quickly becoming a major gateway into Tempe and will be clearly visible from the traffic on Baseline Road and from the Knoell Garden neighborhood. Since this project will be visible from all angles, staff believes the architectural design, materials, and articulation of the building should be of high quality that makes a distinct statement about Tempe, while being aesthetically pleasing for the adjacent residents. It appears that the overall architectural composition relies on painted tilt-up concrete panels, as the basis for this office building.

Although the applicant has added brick veneer to the south elevation and near the building entrance, a majority of the other elevations are painted tilt-up panels (a material commonly used for industrial buildings). We believe the brick accents should be incorporated to a greater extent on all four sides of the building. Staff believes the brick will add richness to the elevations and create the architectural upgrade as envisioned for an office building. In addition, more architectural elements should be provided to the strip windows such as awnings, or window sills, or a recess of the strip windows for greater articulation and movement.

There have been concerns expressed by the neighbors to north, that the building is too massive at the street and will hinder their view of South Mountain. The applicant has attempted to provide relief to the approximately 500 feet long building with offsets that range in depth from 8 feet to 40 feet, in sections that are 120 feet wide. We believe the building design should be modified to create two building elements or at least the impression that there are two buildings. We recommend that the middle 120 feet section be redesigned to separate the buildings and provide a courtyard between the buildings. This redesign should reduce the visual impact of the project along Baseline Road and mitigate some of the neighbors concerns for potential loss of views.

**CONDITION(S)
OF APPROVAL:**

SITE PLAN

1. ~~Eliminate approximately 120 lineal feet from the center of the building footprint and redesign to create two separate buildings. Create a plaza or courtyard between the two buildings. Final Design to be approved by the Board in a post session. (Deleted by the Board)~~
2. If City Council action regarding this proposal results in modifications to the site layout, then the applicant shall coordinate those modifications in the construction drawings, that shall be approved by Staff prior to the issuance of building permits.
3. Identify the location of the 6-ft. ornamental iron fence along the north property line. Provide elevations and details to the CPTED and Planning Staff for review and approval.
4. Locate all parking lot area lights so that they are not in landscape islands and do not conflict with tree locations.
5. Locate all pedestrian area lights so that they do not conflict with mature landscaping.
6. All parking spaces which are located perpendicular to landscape areas shall be sixteen (16) feet in length, with a two (2) feet overhang extending into adjacent landscape areas. The adjacent landscape areas shall be widened by two (2) feet to accommodate the vehicle overhang.

7. Provide upgraded paving materials, such as unit pavers, exposed aggregate, or colored concrete, as accents for all pedestrian sidewalks on the site, for a crosswalk across the parking area to the building, and at the main entry to the building. Provide unit pavers at all entry drives to the site.
8. Parking spaces which are located perpendicular to walkways shall be sixteen (16) feet in length, with a two (2) feet overhang extending over the adjacent sidewalk. The adjacent sidewalk shall be six (6) feet to accommodate the vehicle overhang.
9. Any parking canopies are to have boxed columns, with a fascia, which extends from the top of the roof deck to the bottom of the structural beams, a minimum width of eight (8) inches. Columns and fascia of the canopies shall be designed to match the architectural character of the main building(s) on site. **Final design to be returned to the Board as a post-session item. (Added by the Board)**
10. All transformer boxes, meter panels and electrical equipment, backflow valves, and other utility equipment shall be painted to match the building color.
11. No chain link fencing, razor wire, barbed wire, etc. will be allowed.
12. Indicate the locations and quantity of bicycle parking spaces on the site plan.
13. Bike racks shall be selected from the "preferred" racks listed in the booklet entitled "Bicycle Racks, A Guide to Tempe Requirements" which is available from the Transportation Division, Public Works Department.
14. Walls for site security must be of substantial construction to resist vandalism and excessive deterioration, with materials and finishes as described in the Zoning Ordinance.
15. The construction of any wall or fence over six (6) feet in height requires a building permit from the Building Safety Division of the Development Services Department.
16. Gates for pedestrian access control must be reviewed and approved by the Development Services Department staff including Planning and CPTED, prior to issuance of building permits. Design criteria include the following:
 - a. pedestrian gate shall be made of wrought-iron or another approved access control grade material and shall match the height of the adjacent wall or fence;
 - b. a locking system designed to control access and must be approved by the CPTED staff.

- c. wrought-iron or another approved rigid fencing material is required to extend a minimum of twenty one (21) feet to the right and left of the pedestrian gate. Submit spec. sheets.
 - d. Pedestrian access areas shall be lit from dusk to dawn to the following minimum maintained standard. The designed point of access (gate) shall be lit with a minimum of five (5) foot-candles of light within a fifteen (15) foot radius and three (3) foot-candles of light within a twenty one (21) foot radius. Such areas are required to be lit using a metal halide light source that complies with all other City of Tempe Ordinances (Dark Sky, Zoning and CPTED). Point to point (ten foot center) photometrics using a 0.68 light loss factor shall be submitted to CPTED for approval. The accepted format is 24"x36" blue lines overlaid on a fifty (50) percent screened landscape plan.
 - e. The maximum height of shrubs and ground cover plants within the twenty one (21) foot radius area is two (2) feet. Shrubs and plants that will exceed two (2) feet tall at maturity are not permitted (Exception: thorny barrier plant such as cactus species). No plants shall be used that will or may grow by attaching themselves to the fence and thereby reducing security and safety surveillance.
 - f. Outdoor furniture such as benches, tables, trash cans, and telephones are not permitted within the twenty one (21) foot radius area.
 - g. Private property signage indicating that the pedestrian access is for specific users only and all other users are trespassing under A.R.S. 13-1502 shall be posted.
- 17.
- a. The Public Works Department shall approve all roadway, alley and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
 - b. Off-site improvements to bring roadways to current standards include:
 - 1) Water lines and fire hydrants;
 - 2) Sewer lines;
 - 3) Storm drains;
 - 4) Roadway improvements including street lights, curb, gutter, bike path, sidewalk, bus shelter, and related amenities.
 - c. Fees to be paid with the development of this project include:
 - 1) Water and sewer development fees;
 - 2) Water and/or sewer participation charges;
 - 3) Inspection and testing fees.
 - d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
- 18.
- a. All street dedications shall be made within six (6) months of Design Review Board approval.
 - b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.

- c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re) development in accordance with the Code of the City of Tempe - Section 25.120.

BUILDING ELEVATIONS

19. ~~Incorporate more brick or integrally colored masonry on all four elevations of the building. Details to be approved by Staff prior to the issuance of building permits.~~ **(Deleted by the Board)**
20. ~~Provide more articulation on the building such as adding awnings, window sills, and/or recessing the strip windows to soften the industrial appearance of the building. Details to be approved by Staff prior to the issuance of building permits.~~ **Should the City Council reinstate conditions #19 or #20, these items shall be returned to the Design Review Board as post-session items. (Modified by the Board)**
21. Incorporate scuppers and downspouts into building elevations so that they do not detract from the building architecture.
22. Locate roof access ladder inside the building.
23. The main building colors and materials shall have a light reflectance value (LRV) of 75% or less. Specific colors and materials to be approved by staff prior to issuance of building permits. Final colors shall be field verified by the Design Review staff prior to painting the building.
24. Details of meter panels and electrical equipment installation and location shall not detract from the architecture of the building and shall be approved by staff prior to issuance of building permits.
25. Locate the electrical service entrance section (S.E.S.) inside the building or provide adequate, decorative screening. Details to be approved by Staff prior to the issuance of building permits.
26. Indicate locations of accent lighting and security lighting which will be mounted to the building.
27. Incorporate locations of building mounted lighting into the building elevations so that they do not detract from the building architectural character.
28. Building mounted area lighting will not be allowed without specific approval from the Planning and CPTED staff.
29. Incorporate locations of address numbers and their illumination source into building elevations so that they do not detract from the building architectural character.

30. All exterior employee service doors shall have a minimum of 6"x6" laminated/lexan security window centered and mounted at no greater than 63" from the bottom of the door to the center of the glazing. No wire glass allowed in this opening.

LIGHTING

31. Provide 15 ft. tall light fixtures within the north parking area. Final locations shall be approved by the CPTED and Planning Staff prior to the issuance of building permits.
32. All exterior lighting shall be directed down and screened away from adjacent properties and streets, and of a design to minimize glare, light trespass and intrusiveness and promote managed lighting distribution. All exterior fixtures must be approved.
33. Applicants designing exterior lighting are required to verify the minimum lighting requirements with the CPTED staff in the Development Services Department as the use relates to risk factors for the site.
34. House side shields are required on all exterior light fixtures that are adjacent to a residential use or district or where there is a need to minimize light trespass to an adjacent property.
35. All luminaires designed for security lighting shall be vandal resistant, incorporate vandal resistant refractors (lens) and be provided with a gasket or seal that is designed to resist rain, dust and insect contamination within the fixture housing.
36. Transitional lighting shall be provided at exterior areas going to and from the buildings or uses within the site.
37. All lighting fixtures required to illuminate the entry areas of a building shall be illuminated from dusk to dawn utilizing a photocell sensor.
38. All security lighting mounted on the building and parking lot lighting shall be illuminated from dusk to dawn utilizing a photocell sensor.
39. Parking lot, adjacent landscape areas in the parking lots and refuse areas shall be illuminated with one (1) to two (2) foot-candles of light from finish grade to six (6) feet above grade.
40. All building entrances shall be illuminated with a minimum maintained of five (5) foot-candles (between dusk to dawn) at finish grade to six (6) feet above finish grade, with a radius of not less than fifteen (15) feet from the center point of the entrance.

41. Carport parking structures shall be illuminated with two (2) to three (3) foot-candles, including the adjacent landscape area from dusk to dawn at finish grade to six (6) feet above finish grade.
42. Exterior pedestrian walkways and adjacent landscape areas within twenty (20) feet shall be illuminated with one-half (0.5) to one (1.0) foot-candle of light from grade to six (6) feet above finish grade and illuminated from dusk to dawn.
43. Retention areas shall be illuminated with one-half (0.5) to one (1.0) foot-candle of light from grade to six (6) feet above finish grade and illuminated from dusk to dawn.
44. Cluster or gang mailboxes shall be located within ten (10) feet of a light to provide five (5) foot-candles of light for a twenty (20) foot radius.
45. Secondary lighting is required to supplement the primary security lighting due to design elements and landscape conflicts, in order to meet the minimum lighting criteria.
46. Metal Halide (MH) lamp source shall be used for all exterior luminaires designed for security lighting.
47. High Pressure Sodium (HPS) lamp source is authorized for this site, however Metal Halide is preferred.
48. Mature landscape trees, plants and materials shall not conflict with the lighting standards.
49. Pole mounted luminaires, designed for security lighting shall not be permitted in the landscape parking islands.
50. Trees shall not be planted within a twenty (20) foot radius of any luminaire or fixture required for security lighting.
51. A copy of all cut sheets for light fixtures shall be submitted and marked as to which information and data applies to the specific luminaire, including the lamp manufacturer.
52. Photometric calculations detailing all exterior security lighting, shall be submitted and provided on a copy of a landscape plan that has been approved by the Design Review Board, drawn on twenty four (24) inch by thirty six (36) inch format prepared to scale. The landscape site plan shall be fifty (50) percent screened. Point to point photometric calculations shall be calculated at intervals of not more than ten (10) feet at ground level and may also be required at six (6) feet above finish grade.

53. Photometric calculations shall be based on the "mean" light output per the manufacturer's of the specified lamp, including ballast depreciation and contamination factors. Light Loss Factor (LLF) shall be calculated at .68 for Metal Halide (MH) and .72 for High Pressure Sodium (HPS). All luminary photometric data formatted in accordance with the Illumination Engineering Society (I.E.S.) file compiled by an approved testing laboratory.
54. Photometric studies submitted to the City of Tempe's Development Services Department for approval by Building Safety, Planning, and Crime Prevention Through Environmental Design (CPTED) will include a statement indicating that no equipment substitutions shall be installed without prior approval of the City. In specifications that include more than one specified manufacturer per site will require a photometric study from each manufacturer specified.
55. The Consulting Engineer or Lighting Consultant as named on the plans is required to complete a night security lighting inspection of the site prior to obtaining a certificate of occupancy. This inspection of the project requires documented verification of the project's actual foot-candle levels. The inspection and report will comply with IESNA procedures for field measurement of illumination.
56. The Consulting Engineer or Lighting consultant shall provide the City of Tempe's Development Services Department with a letter of certification from the firm certifying the inspection. The letter will provide the date and time of the inspection and the name of the inspector. It will also include a statement certifying the approved fixtures were correctly installed, no landscape conflicts exist and the foot-candle levels and uniformity approved by the City's Development Services Department for the specific site have been matched or exceeded at all locations on the site.
57. In the case of a Consulting Engineer, a Professional Engineer registered in the State of Arizona shall stamp the letter of certification. Lighting Consultants issuing the letter of certification shall provide proof of Lighting Certification (LC) status as defined by The National Council on Qualifications for the Lighting Professionals (NCQLP) as well as proof of liability insurance.

LANDSCAPE

58. The landscape plan is approved in concept. Final details including the landscape design along the north and east landscaped areas must be reviewed and approved by Staff prior to issuance of building permits.
59. 50% of the required double row of trees within the north landscape area shall be 24 inch boxes. Final species and tree locations shall be approved by Staff prior to the issuance of building permits.

60. Show the location of all exterior light fixtures on the landscape plan. Conflicts with light standards should be avoided in order to maintain illumination levels for exterior lighting.
61. Show traffic sight visibility triangles at all driveways. Refer to the "corner sight distance at intersections" chart, which may be obtained from the Development Services Department.
62. Trees located in parking lot landscape islands shall be canopy type trees, such as Mesquite or Evergreen Elm.
63. Maximum height of mature shrubs shall be two feet (2'-0") in the following locations:
 - a. parking lot landscape islands;
 - b. adjacent to parking lot borders, from curb line to six (6) feet away;
 - c. along either side of walkways, from edge of walkways to six (6) feet away;
 - d. within a fifteen (15) feet radius around any building entry and pedestrian gates;
 - e. within sight visibility triangles at driveways.
64. Shrubs, which do not exceed three (3) feet at maturity, should be used between six (6) and twelve (12) feet from the edge of walkways requiring visual surveillance. Desert plants with thin stalks over three (3) feet high that allow for visual surveillance may be used in these areas.
65. Barrier plants, which have thorns or needles or a dense structure, shall be used below and to the sides of windows and adjacent perimeter walls, fences, and other building walls where desirable. Even where walls or windows occur closer than the six (6) or twelve (12) foot zones described above, barrier plants may be approved. Since the purpose of barrier plants is to discourage pedestrian through-traffic, some types of barrier plants may exceed three (3) feet.
66. When river-rock (stone) and other masonry materials are used, the material shall be embedded in concrete so that only one third (1/3) of the rock is exposed above ground, to prevent its removal by hand.
67. Location of trees and shrubs shall be coordinated with building plans in order to avoid conflicts between plant material at mature size and address number signs located on building elevations and freestanding signs.

SIGNAGE

68. Provide details of address signage for review.
69. No exposed conduits or raceways are allowed for any signage.

70. All buildings within the City shall display address signage as follows:
- a. The location of all address signage shall be subject to approval by the Planning and CPTED staff.
 - 1) Address signs should be mounted in a permanent stationary and durable manner and should remain unobstructed at all times by trees, shrubs or vines, or anything that would tend to hide or obscure the number or letter, and shall be visible at all times from public access to the property
 - 2) No other number should be affixed to a structure which might be mistaken for, or confused with, the number assigned to that structure.
 - b. Address numbers shall be of contrasting color to the background to which they are attached (minimum 70% contrast).
 - c. Shall be illuminated, from dusk to dawn, by either direct, back, or halo lighting, unless otherwise provided.
 - d. Rear address numbers, alley gates, curbside mail boxes, and commercial or industrial rear door suite numbers are exempt from illumination requirement.
71. Multi-family, industrial and commercial buildings shall conform to the following:
- a. Each principal building shall display the number, or letter, assigned on each primary elevation of each building.
 - 1) If the side of the structure is less than sixty (60) feet in length, then only one number or letter needs to be displayed on that side.
 - 2) The numbers or letters assigned to each individual suite in a commercial or industrial development should be displayed at both the front and rear entrances.
 - b. If any elevation of a single building exceeds two hundred (200) feet in length, numbers or letters shall be displayed midpoint on the structure.
 - c. Commercial or industrial suite numbers shall be a minimum six (6) inches in height if non-illuminated, or four (4) inches in height if illuminated.
 - d. Commercial and industrial utility meters shall utilize a minimum one (1) inch number/letter height to indicate the suite number for each meter in accordance with the Tempe electrical code and utility company standards.

GENERAL

72. **Increase the setback of the south face of the building approximately ten (10) additional feet, thereby increasing the water retention area on the south side of the site and reducing the water retention area on the north boundary of the site, if feasible according to generally accepted civil engineering principles and financial impact to the applicant. (Added by the Board)**

73. **Building height should be relative to the lowest possible grade height or structural impact to achieve the lowest overall elevation of the structure. Applicant should explore the finished floor elevation and building components to achieve the overall lowest top-of-parapet height within a 16-foot clear height building. This should fall within reasonable industry-standard engineering practices. (Added by the Board)**

Details to be submitted and approved by staff prior to issuance of building permits.

PROJECT TEAM

OWNER
QUICK MOUNTAIN LLC
 441 NORTH 32ND STREET
 SUITE 150
 PHOENIX, ARIZONA 85016
 PHONE: (602) 951-8000
 FAX: (602) 741-3734
 CONTACT: SIO MONTAGUE

ARCHITECT
BUTLER DESIGN GROUP
 3010 EAST CAMELBACK ROAD
 PHOENIX, ARIZONA 85016
 PHONE: (602) 951-8000
 FAX: (602) 741-3734
 CONTACT: JOHN TURNER

CIVIL ENGINEER
DR. JEFFREY ENGINEERING, INC.
 4725 NORTH 24TH STREET
 SUITE 200
 PHOENIX, ARIZONA 85016
 PHONE: (602) 951-8000
 FAX: (602) 741-3734
 CONTACT: JAMES DUGGER

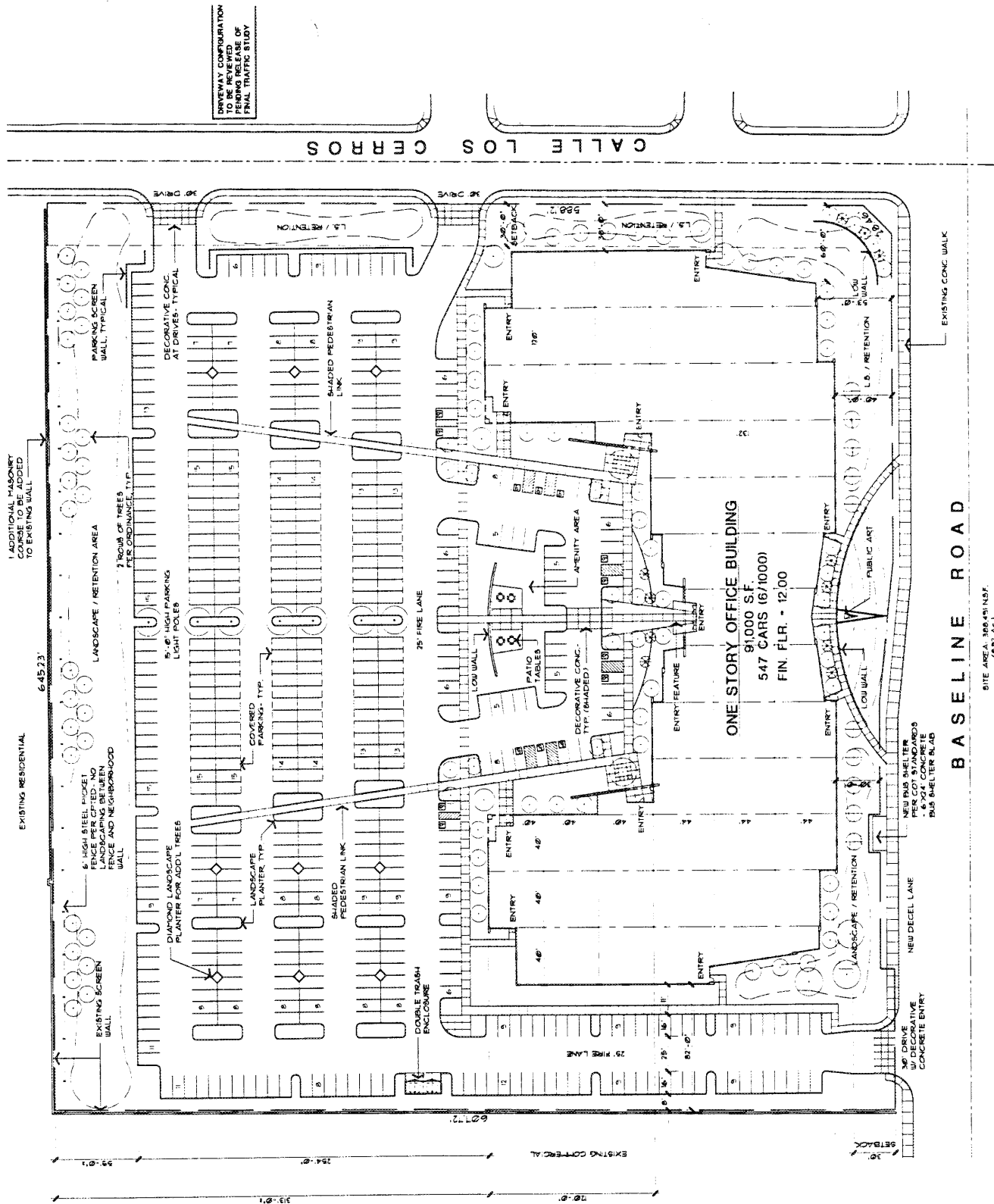
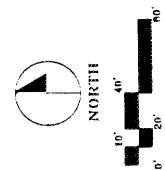
LANDSCAPE ARCHITECT
LAND AND ASSOCIATES
 5101 NORTH 24TH STREET
 SUITE 102
 PHOENIX, ARIZONA 85016
 PHONE: (602) 951-8000
 FAX: (602) 741-3734
 CONTACT: FRANK SPERNA

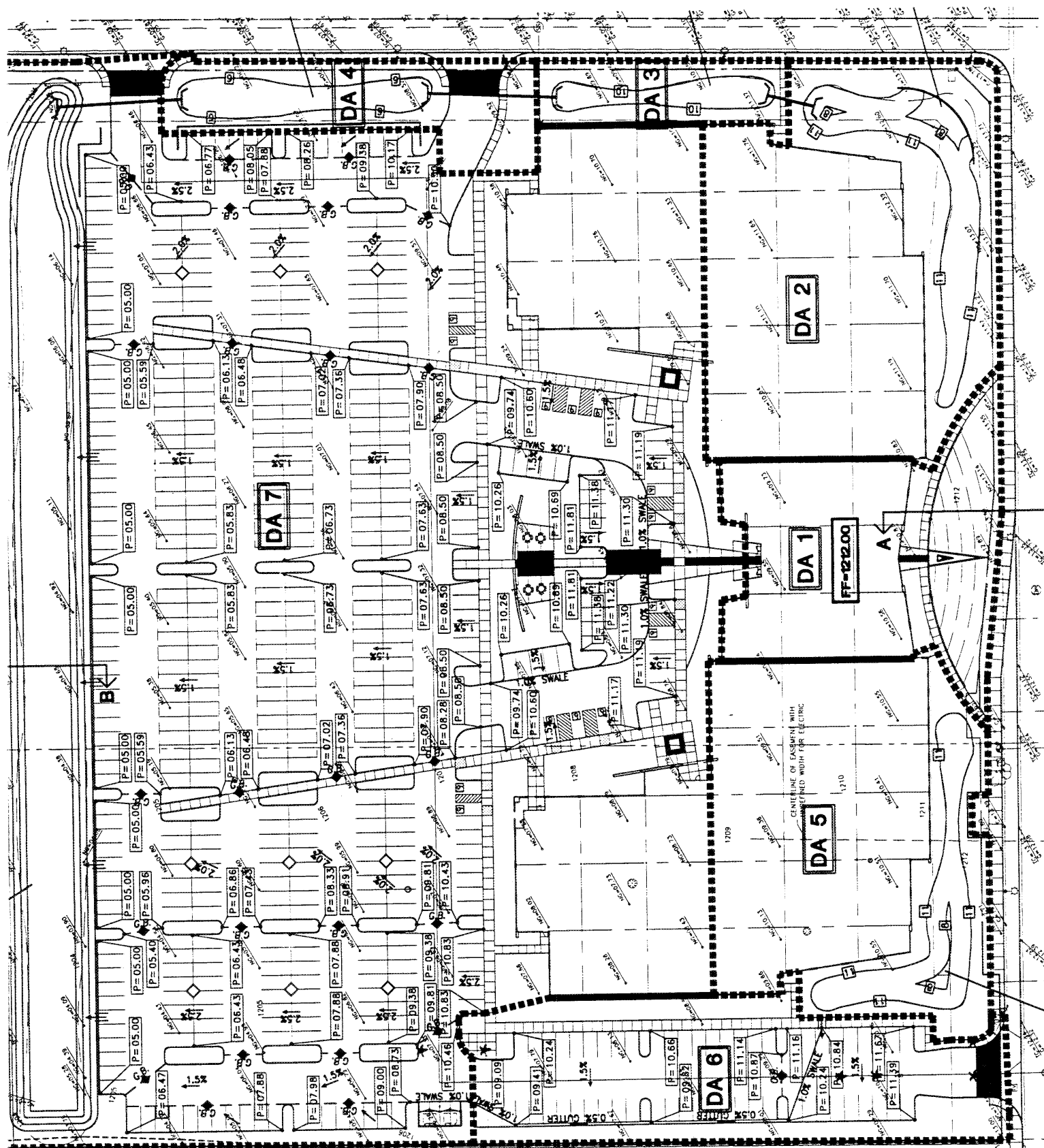
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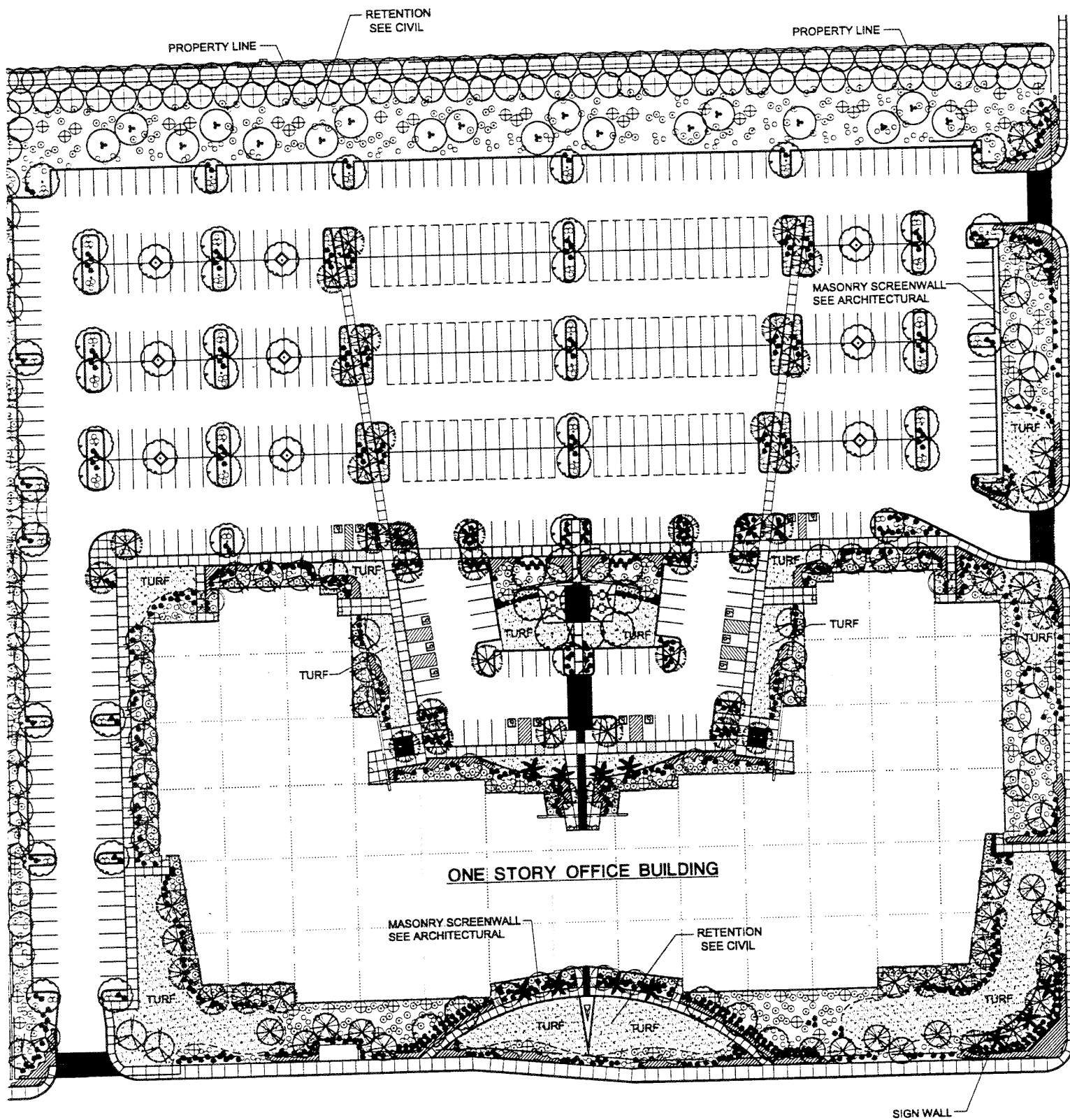
PROPOSED USE	OFFICE
USE PERMITS REQUESTED	NONE
VARIANCES REQUESTED	NONE
GROSS SITE AREA	446,500 SF (10.25 AC.)
NET SITE AREA	388,451 SF (8.93 AC.)
ZONING	1.11 (FV)(B)(S)
BUILDING AREA	91,000 SF
% COVERAGE	23.5%
BUILDING HEIGHT	33'-0"
CONSTRUCTION TYPE	VAULTED
PARKING REQUIRED	547 SPACES
PARKING PROVIDED	547 SPACES (144 COVERED)

NOTES

1. ENHANCED LANDSCAPING AT NORTH PROPERTY LINE WITH 50' x 24' ROW TREES
2. ENHANCED LANDSCAPING ALONG CALLE LOS CERROS - MORE TREES THAN REQUIRED BY ORDINANCE
3. ADDITIONAL TREES IN PARKING AREA BEYOND ORDINANCE REQUIREMENT
4. LOWER ALL LIGHTS NORTH OF BUILDING TO 15'
5. PEST CONTROL ASSISTANCE PRIOR TO AND DURING CONSTRUCTION
6. DEED RESTRICTIONS AGAINST WAREHOUSE AND HAZARDOUS MATERIALS























CONCRETE TREE SPECIFICATIONS

ALL TREES TO MEET OR EXCEED A.N.A. SPECIFICATIONS





TREES - 15 GALLON MIN- 50% 24" BOX OR LAR



	Prosopis Chilensis Chilean Mesquite	Standard, Thornless 24" box
	Ulmus Parvifolia Evergreen Elm	24" Box
	Acacia Salicina Willow Acacia	15 gallon
	Washingtonia Robusta Mexican Fan Palm	25" min T.F.
	Acacia Smallii Sweet Acacia	24" Box
	Cercidium Hybrid 'Desert Museum'	24" Box
	Prunus cerasifera 'atropurpurea' Purple Leaf Plum	24" Box
	Olea Europaea ' 'Swan Hill' Olive	24" Box

SHRUBS/ ACCENTS 5 Gallon

	Leucophyllum Frutescens 'Green Cloud' 'Green Cloud' Sage	5 Gallon
	Ruellia Brittoniana Ruellia	5 Gallon
	Caesalpinia Pulcherrima Red Bird of Paradise	5 Gallon
	Dasylirion Wheeleri Desert Spoon	5 Gallon
	Leucophyllum Langmaniae 'Rio Bravo' Sage	5 Gallon
	Cassia Phytodenia Desert Cassia	5 Gallon
	Hesperaloe Parviflora Red Yucca	5 Gallon
	Tecoma Stans Yellow Bells	5 Gallon

GROUNDCOVERS 1 Gallon (5 gallons when located in required parking islands)

	Lantana Montividentis Gold Mound	1 Gallon 36" o.c.
	Convolvulus Cneorum Bush Morning Glory	1 Gallon 36" o.c.
	Ruellia Brittoniana 'Katie' Dwarf Ruellia	1 Gallon 18" o.c.
	Acacia Redolens 'Desert Carpet'	1 Gallon 60" o.c.

	Turf hydroseed - Midiron sod where noted
	Decomposed Granite - 1/2" screened 'EXPRESS ROSE' 2" min. thickness in all landscaped areas

HEADER - Steel Header

MAXIMUM HT. OF SHRUBS IN:

Parking - Landscape Islands
Parking - Borders From 0' to 6'
Walks - From 0' to 6'
Entry - 15' Radius
Sight Triangles

is 2'-0"

LANDSCAPE CALCS

TOTAL LANDSCAPE AREA	125,307 S.F.
TOTAL TURF AREA	24,463 S.F.
TURF % OF LANDSCAPE AREA	19.5%
TURF % OF SITE	6%

The entire site will be maintained in accordance with City of Tempe Standards.

50% of all trees will be 24" Box or larger.

An automatic irrigation system will be installed guaranteeing 100% coverage to all landscape areas.

3/4" Minus 'Express Rose', 2" minimum thickness (submit sample to Landscape Architect for approval). Place in all non-river rock and non-lawn landscape areas.

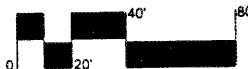
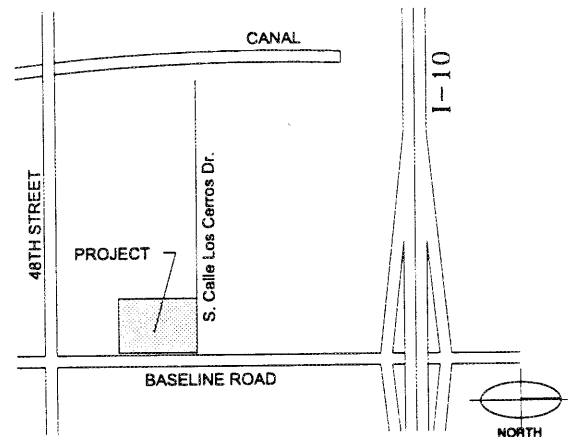
All earthwork will be done so that all water drains away from sidewalks, structures and will not impede natural drainage easements.

Structures and landscaping within a triangle measured back 10' from property line and 20' along property line on each side of the driveway entrance will be maintained at a maximum height of 3'.

Rip Rap 8" to 12" grouted. Place at all curb cuts and down spouts to prevent erosion. (see Civil for quantities and location.)

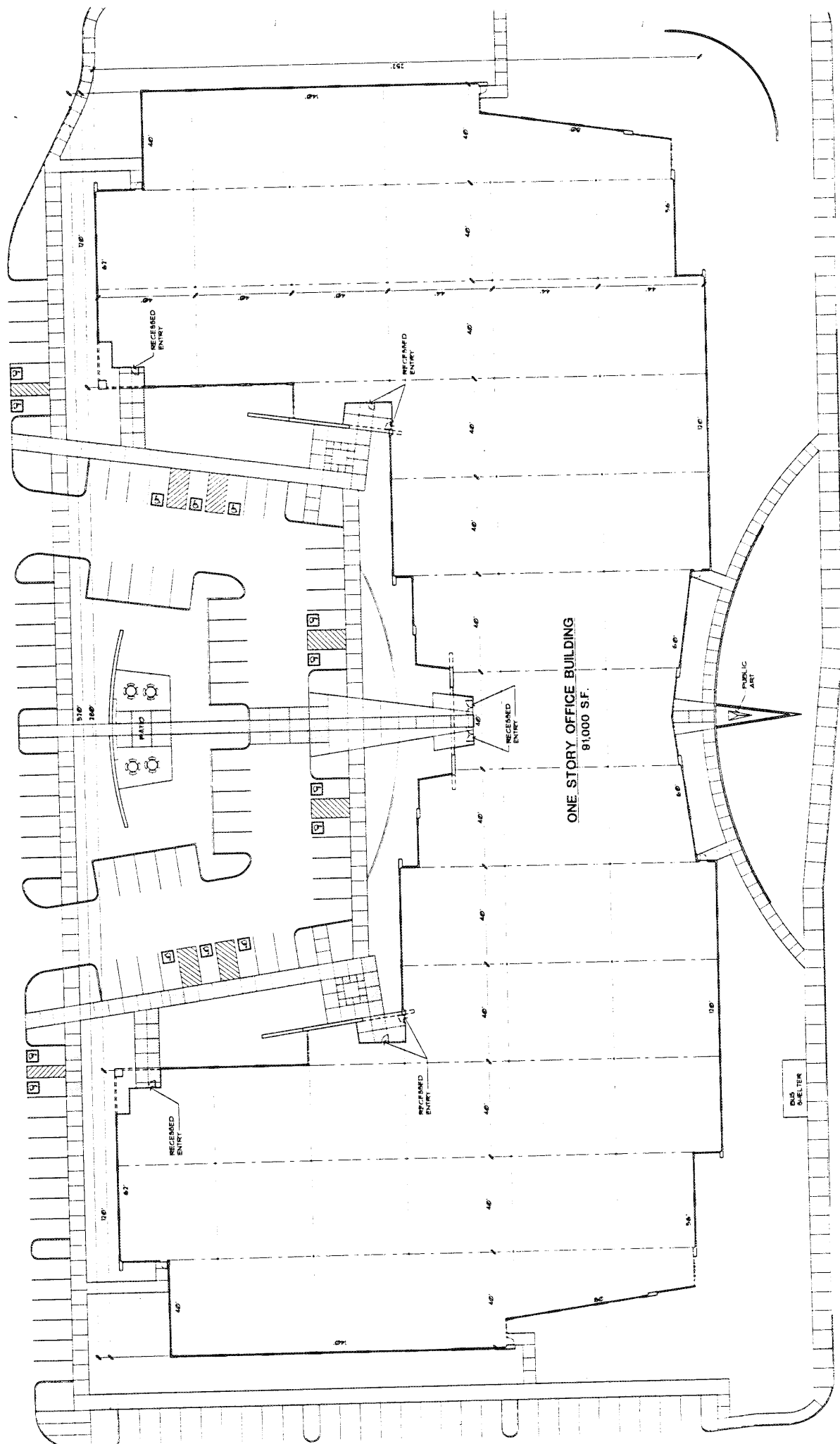
All final landscape plans to meet City of Tempe minimum standards for quantity and type.

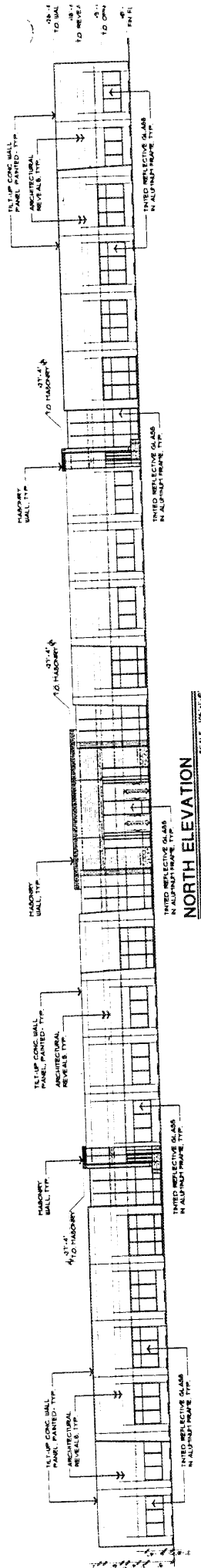
VICINITY MAP



LASKIN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTS

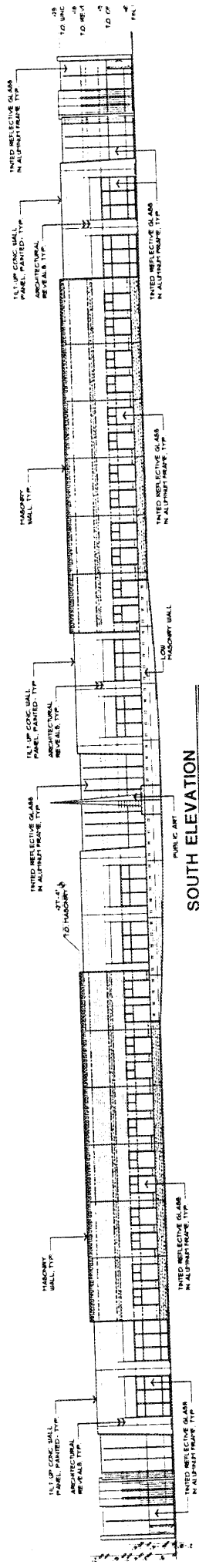
5112 N. 40th Street
Suite 202
Phoenix, Arizona 85018
P (602) 840-7771
F (602) 840-8021
laskindesign@surwest.net





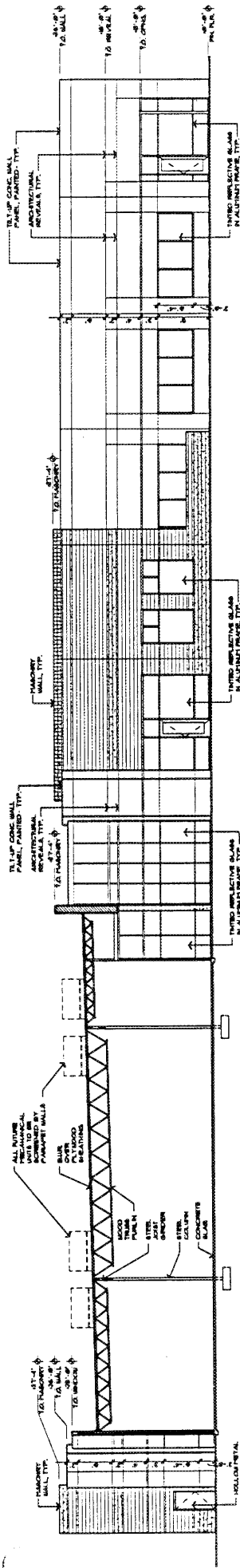
NORTH ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



BUILDING SECTION /
PARTIAL ELEVATION
SCALE: 1/8" = 1'-0"

JOB NO. 99100
100SECT.DWG



Butler Design Group
Architects & Planners
3000 East Camelback Road
Suite 200
Phoenix, Arizona 85018
Phone: 602-467-9050
Fax: 602-467-7728

SOUTH MOUNTAIN COMMERCE CENTER

BASELINE ROAD AND CALLE LOS CERROS
TEMPE, ARIZONA



JAN 03 2001



City of Tempe
P.O. Box 5002
31 East Fifth Street
Tempe, AZ 85280
602-350-8225

March 6, 2001

Via Facsimile
(480) 350-8872
and (480) 858-2012

Nat G. Giuliano
Mayor

Development Services Department
c/o City Clerk's Office
31 E. 5th Street
Tempe, AZ 85280

P. Ben Arredondo
Vice - Mayor

Attn: Fred Brittingham

Dennis J. Cahill
Councilman

Leonard W. Copple
Councilman

Hugh Hallman
Councilman

Design Review Board
Application Number DRB-01011

To Whom It May Concern:

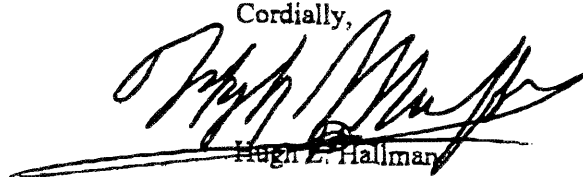
I hereby appeal the Design Review Board decision of February 21, 2001 regarding South Mountain Corporate Center.

Please contact me if you have any questions.

Joseph Lewis
Councilman

Joseph P. Spracale
Councilman

Cordially,


Hugh L. Hallman

Original Via Hand Delivery

VERBATIM MINUTES FOR:

DRB01011 SOUTH MOUNTAIN COMMERCE CENTER

(Building elevation, site plan and landscape plan)

2420 West Baseline Road

I-1, Light Industrial District

APPLICANT: Jeff Cutberth/Butler Design Group

(Meeting of February 21, 2001)

Ms. Smith (addressing the applicant, Jeff Cutberth): Prior to the start of your presentation, do we have the index cards? There's nobody that wishes to speak this evening? I want to know in advance as to how many people we actually have willing to speak this evening, please. I'll basically give you one more minute to get them in. Mr. Cutberth, I would like you to, we have seen this project before, obviously this is a different building, but fundamentally I think the project is very similar. There are some definite changes; I'd like to understand what those changes are, why you have redesigned it. I'm glad to see, it looks like you the old design in your hand, which is fantastic. So, I would really like you to focus on a little bit more of the comparison with why you've changed, what drove you to the change, and those kinds of issues, and to try to do that as quickly as you possibly can.

Mr. Cutberth: Jeff Cutberth, Butler Design Group, 3020 East Camelback, Phoenix. Good evening. I think, first off, I guess I would say with the significance of this project, the controversy that surrounded it, and even the questions that came up in pre-session, I certainly will keep my initial presentation to five minutes. But I think based on the fact that a number of neighbors will be able to speak and address different issues with five minutes each, obviously it's impossible for me to give a comprehensive overview of all those issues within five minutes. So what I will do is touch on and outline the things that I'm prepared to address for you this evening, then obviously can respond to any specific questions that you all have in regard to that.

That being said, as requested to start with just a general overview: The old site plan that you see was the chevron shaped, v-shaped building up in the center of the site. That's what was approved, I believe, it was about five months ago, back in September 2000. We proceeded through to Council and at the final Council meeting actually presented, based on feedback we had received, an alternate site plan which was the intent was to push the building to Baseline Road to get it as far away from the neighborhood as possible. I've got a site line study that certainly shows all the advantages of this building over the previous one, and can share those with you later. So, I think the basic concept behind the site plan, push the building up to the street, put the parking back in behind to act as a buffer, there's now a 60-ft. landscape neighborhood buffer adjacent to the neighborhood.

Based upon about a three and a half hour meeting we had at Planning Commission last week, I think I can kind of sum up the issues between site and elevation and give you a feel for where I think the issues are tonight that you'll hear about from the neighborhood. Traffic was talked about for probably three hours and 15 minutes of those three and a half hours last week. I can certainly give you an overview of our position vs. the City's position; bottom line, they're slightly different, with theirs being a more extensive solution and we anticipate that that will continue to be a point of discussion as this goes on through. But we feel like that we presented a scheme, a very specific scheme, on traffic that addressed the issues that we were asked to address.

In terms of other site planning issues: breaking the buildings in two; in regard to the comment about site lines to South Mountain, again I have an exhibit, an aerial photo that shows, in our opinion, the site lines to South Mountain are not a significant issue, so I think I can shed some light on that. Secondly, beyond that, in terms of the massing of the building, some of the exhibits that you have in front of you on the table here, #1, it's the large elevation of the Baseline frontage; the second exhibit you see laying down there that we could pass around and you could look at more closely is a segmented view of six different shots progressing along Baseline Road to give a feel for the building and what it does. I've intentionally taken three of those shots, thrown in what is realistic landscaping and that to give a feel of what the impact of that building is truly going to be on Baseline Road. So again, I'm prepared to discuss that in more detail.

As far as the adjacency of Baseline Road that came up in the pre-session, not only do we feel like it's the Planning Department's directive to get the buildings to interact with the street, we've got our art up there to interact with street, got the sidewalk going by it. We actually, in looking at some of the adjacent buildings particularly the school building across the street, I've got numbers I think show that this is very favorable and setbacks to that building which sits on the street right now.

As far as the trees along the north property line, whatever tree that's on the approved list by the City that can be planted at 15 on center with every other tree being 24 in. box size, is fine with us, it always has been. So I don't think there's any contention there. I think it's more an issue of trees not on the list that the neighborhood wants to discuss.

As far as elevation issues, height, the question came up in the pre-session. Again I have a section more detailed, that was first shown to the neighborhood back in December, that's much more detailed than the one that was even in the package. It's a hand-drawn section that shows duct work ceiling heights, all of those issues that I can breakdown in more detail if you to discuss the height issues. And I think I can justify the height of the building as shown.

As far as the simple industrial appearance, we feel like the building is anything but simple, in fact, it's fairly complex and, again, if I show you the design concept behind it, it's got a lot of different planes broken up with different materials, colors, etc., and I think it's anything but a simple building.

As far as the more masonry, there's a very logical reason why the masonry is where it is and we feel like it enhances and strengthens the design and I think that throwing more masonry on the building becomes somewhat of a token placement of masonry simply for the sake of putting it on. And, again, you've heard my speech before, so I won't make it again, that good architecture is good architecture, and I think design needs to be evaluated on the merit of what the project is, not on a set of rules that gets applied to buildings.

Same thing with awnings and window sills, etc., one of the other stipulations that we object to, I think this building has enough going on as it is. I think there's a point where putting more on the building just to put more on it actually takes away from the strength of the building.

So, lastly, on the stipulations, I think it's stipulations 1, 19 and 20 that I'd like to see deleted in their entirety. I think Ms. Lesser mentioned in pre-session the discrepancy between 46 and 47, and as I mentioned there, whatever the Board decides is fine with us. Our preference would be metal halide, but if the Board decides that the high pressure sodium like the neighborhood wants is ok, that's fine with us.

So I guess, in summarization, we're back here five months later, we feel like we have a better site plan, we definitely have a better set of elevations that we're putting in front of you. I think it's a better project over all for the developer; I think it's a better project for the neighborhood; and I certainly think it's a better project for the City of Tempe. So based on that, we're asking to get your approval tonight as we propose with the stipulation modifications that we're proposing and allow us to move forward to City Council.

Ms. Smith: Thank you. Prior to hearing staff's report, I would like to caution the neighborhood speakers. When you come before us tonight as I call you, all of you as I have confirmed from e-mail from Sherri (Lesser) have received the staff's report. Your presentation to us this evening must be in line with the staff's report. So the first thing you need to do is tell us which stipulation you're commenting on, and to what extent your comments apply. So, for instance, you agree with staff that additional brick needs to be provided, fine. That's the stipulation you need to cite. If you have any other disagreements with a particular stipulation, that's what you need to discuss. General overview comments and so on, and so forth, that cannot be attributable to the overall project at this stage, therefore you need to focus them based upon the stipulations currently at hand. So I would ask that you prepare yourselves right now in making sure that you have reviewed those stipulations and you cite the specific stipulations you are interested in discussing. I would also like you to understand that this Board member and chairman was present at the original project. You are not here to repeat what was said at the previous applications. We understand your issues back then. If they are identical to the information that you are providing this evening, then there is really no need for you to come up and speak this evening. If they're different, and you have new issues, that's great. But if they're the same issues you've brought before us before, then really it is not needed to have you come up. So just make sure that they are different, and I will stop you if they are the same. Staff?

Ms. Lesser: Madam Chairman, I just want to make one clarification on behalf of the neighbors. The e-mail list that I gave you in your packet that shows the neighbors that received the staff report is just a representation. I picked those neighbors that were on the street directly north of the project and then a couple of others that were more active within the neighborhood. Tonight I made some extra copies that I handed out, so a couple of them just have now received the staff report.

Ms. Smith: But of the cards I've received, all of those people are actually on this list.

Ms. Lesser: OK, I just wanted to clarify that. We are recommending approval of this project. We have requested conditions of approval that we believe will enhance the appearance of the building, give it more of a commercial office feel as opposed to an industrial feel. We think that is important with its proximity to the neighborhood and the other office uses surrounding this project. We are requesting that a 120 ft. section be removed from the center of the building, or redesigned to provide a plaza courtyard to open up the view to South Mountain from the neighborhood to the north. We also believe it would break up the long expanse of the south elevation. We don't believe it is an extreme request considering that the original proposal was only 82,000 s.f. This proposal has been increased to 91,000 (s.f.) Basically the 120 ft. section would be the additional 9,000 (s.f.) that was added to the building from the previous submittal. Beyond that, that's all staff has to say.

Ms. Smith: OK, we're going to go ahead and listen to our first neighborhood speaker. I would also like to indicate that it appears we have two cards, one for Paula and Richard Leonard, both at the same address. Since you are both at the same address, I would ask that one of the two of you speak and not both. The same for Patricia and Patrick Brenner, both at the same address, that one of the two of you speak and not both. But, let's start with Ed Mitchell, please. And when you come to the podium please state your name and address for the record very clearly. Again, I remind you, five minutes addressing stipulations, and not repetitive from the previous application.

Mr. Mitchell: My name is Ed Mitchell. I live at 4427 South Fair Lane. Chairperson, and members of the Board, I want to address two issues before I get into stipulations. One is, we feel the staff at the City of Tempe has responded to the community in a very positive way. And, as we told the Planning and Zoning, if they just voted those stipulations, we would be happy. And so, many of us come tonight feeling very positive about this experience. We also appreciate some of the changes and efforts that have been made by the developer and we do not want to see this as adversarial, but we feel like the fine tuning is now coming to a point. And there are a couple of issues that I personally believe that this Board has responsibility for, and I want to address those specifically. Jeff (Cutberth) introduced them, he basically was reading my notes. My concern as he talked about was the site lines, and I realize if you asked me for a stipulation, I can't give you the specific one, as neither did Jeff. But the issue is that the setback is only fifty feet. I would ask for you to consider that the setback for Incredible Universe or Fry's Electronics is 120 ft. and approximately 105 ft. for the Fry's Shopping Center. This huge building, and 550 ft. across the front in our neighborhood does constitute huge, will be immediately on Baseline Road with a fifty foot setback. I would ask you to at least move it back to a reasonable distance of up to a minimum 65 ft. or

even like Denny's, 90 ft. There is nothing else that approximates 50 ft. This building will stand out as you look down the Baseline corridor and you will see it before you see anything else. It stands out significantly more than the University for Advancing Computer Design. So, that's my first concern.

Addressing the 1, 19 and 20 that was referenced by Jeff, we would like this to be an attractive building and we appreciate priority that the staff has put on making it a positive addition to the neighborhood rather than just another industrial building. And so, we appreciate the efforts that they have put into it and respect their opinion. We are particularly appreciative of the concept of dividing the two buildings, as staff has explained, that really puts it back to the size it was originally designed to be and presented at the previous time.

So, I would just say in closing, that we really do not expect a lot of sidewalk traffic in front of that building. It's not a Chase Bank where people are going to be walking up to it. It's going to be entered from the back and so we feel it's appropriate that there be enough space in the front that it add to the neighborhood rather than take away. Finally, we want to balance with the developer the issues of quality and profit and our quality of life and that's what we're asking you to do. Thank you.

Ms. Smith: Thank you. Mr. Wilson? Please state your name and address for the record.

Mr. Wilson: Ed Wilson, 2419 West Dunbar Drive, which is in the center of the property line for this proposed development. This plan that's before us tonight is an amended plan; there was a plan that was approved in the '80s. This plan is an amended PAD. The approved plan had three rows of 36 in. box trees against our homes, as one of the conditions of approval. This plan does not, and we hope to obtain at least two rows of 36 in. box trees. This is an example of a property with the same landscape plan that was put in two or three years ago, with the same tree proposal, and this is the actual thing. Other than a distance in the actual number of feet. What I'm interested in is how the trees will be a good replacement, that means mature trees, 36 in. box for example, ficus, that actually have density for both.....

Ms. Smith: Are you discussing stipulation #59, sir?

Mr. Wilson: 59. Thanks. The trees would be a good replacement for our backyard views, where we did see, from my yard, mountains and the Pointe Resort, etc., we will now see mostly beautiful dense ficus trees if we have it our way, if we have some enhancement. We believe that's a fair trade, since our backyards were originally designed to be next to more homes. The Traffic Department has recommended, because of the effect of putting a traffic light at Baseline and Calle los Cerros, when people are waiting in a traffic jam, they look down Calle los Cerros which is over 30 ft. wide, it's like a big corridor and they tend to want to get away from that. So, we put a whole bunch, apparently, the City has put a whole bunch of traffic calming measures on Calle los Cerros and if we don't have dense trees then we have taken away the intent of the design which is to view the, to block the view corridor down Calle los Cerros. So I think we'll need mature trees there also and I think that's within this decision tonight.

Thirdly, our homes are for example 10 or 11 homes on the property line. I've spoken with all of the people in those homes and our backyards, our children being able to take naps, our ability to enjoy our backyards and our homes with open windows at certain times of the year, will be greatly affected by 500 and some parking spots with nothing between us but the landscaping that you see there. Now, one option of course is to go ahead and do the eight foot block wall which is 10 ft. on our side of the wall because of an elevation difference if you go and visit, because there's a two ft. difference. That does not seem favorable to us; we don't want to do time in a prison feeling sense. We want to see something nice, like some mature trees, that we also believe in the ficus variety would actually be a barrier to sound and fumes from the parking lot during the summer, stuff like that.

So, these are quality of life issues, whose value is beyond numbers and this is a great chance for this project, this developer to enhance and protect us and it will help us all out in the long run. That's how I feel about dense trees. We've talked to a lot of suppliers of trees and they've said that you really don't get any growth in the first two years and with the water requirements that are currently out, you've got to get what you need at the start if you want density, if you want an effective buffer. And a 36 in. box have a 10 ft. height, 5 ft. trunk, and this variety of ficus is on the list of approved trees, is not a high water use tree, it's just a matter of how you negotiate the other trees within the parking lots and things like that as far as water use.

Ms. Smith: So you would request that the stipulation increase from 24 in. box to 36.

Mr. Wilson: Yes, please.

Ms. Smith: OK.

Mr. Wilson: Which I view as a downsizing from what was previously approved when there was a partially underground parking garage, cars noise protected within that garage, then a 40 ft. buffer, maximum height of garage was 11 ft. only. (then something else was said which is not decipherable on tape)...below a 36 in. box, that seemed helpful, or very meaningful. Condition number, ah, what number is it, the lights, I had it written down. The stipulation for metal halide or high pressure sodium, we, ah, I really hope that we can do high pressure sodium because that light does not penetrate into adjacent properties, it does not glare off of your walls, and I think that for a long time to come that's what we are going to be faced with if we have metal halide. It just does that, whereas high pressure sodium does fine in illuminating the area it's in but does not so much penetrate adjacent properties, which is really desirable to us. It was such a different use than what's going on here.

Ms. Smith: That was stipulation #47, and your five minutes are up.

Mr. Wilson: Thank you.

Ms. Smith: Thank you. Mr. Bill Faint? Please state your name and address for the record.

Mr. Faint: You've already got the first part. Bill Faint, 2516 West Minton. I'd like to talk about stip 1, I believe it is splitting the building. I don't live on property line, I live on Minton Drive which, when you look out my front yard, you can't even see South Mountain anyway. I'm still in support of stip 1 because it is the mandate of this Board to look at compatibility of scale and I don't think a 550 ft. long building that's 30 ft. tall is compatible with our 10 ft. high flat-roofed houses. They just don't match. So splitting the building for me has nothing to do with what the applicant will contest is purely about seeing South Mountain. I can't see it, so what's about for me is, as I enter my neighborhood is the clashing rocks that we'll see if this building stays the one continuous mass that it is, one clashing rock being Fry's Electronics, the other one being this new building. It's just too big, so I think it would really help along those lines.

Also, I think we might be a little strict in only being allowed to speak to the stips just because of the fact that you have the ability to add stips. And there are some that got added last time when this came through the process that I didn't see on the list of stips this time. For instance, Mr. Valenzuela initiated a stipulation that made it into the vote about lowering the elevation of the grade as far as possible within good engineering practices. I would like to see that reinstated. And the applicant that that's not possible; as a building inspector I know that that's possible to achieve the grading that you see in a lot of sites have, for instance, this is a very severe case, but it's possible to do it, a triple wall, of, um, retaining walls, a triple set of retaining walls, and I've seen drops of as much as 15 ft. in a ten ft. distance. So, I don't buy that it's not possible to do it and still have the water drain to the back of their site, it's possible. So I'd like to see that reinstated; it would help the apparent visual scale because it would drop it down without even affecting the height of the building, which is the last thing I'd like to discuss.

It's not a stip that you reduce the height of the building; you did discuss it in pre-session. The numbers don't add up. Quarter inch fall per foot that's required to get the water shed off the roof, combined with the four foot parapet, combined with the depth of the girders, combined with what they say is their intended clear, which is 16 ft., there's still more height that's not accounted for. What they are not admitting publicly, they've admitted it privately, is that this is supposed to be flexible so that if it fails as an office they can convert it. I don't believe they intend to do that as the property owners now, but they want to be able to have the flexibility to sell it since somebody can convert it to some very nasty uses that we're very opposed to. I won't talk about those because it's not in your purview. But I think that reducing the height as much as possible, to get rid of that fuzzy math if you can, to get them to the true 16 ft. clear that they say, would help us a lot. By the way, for the record, 16 ft. clear is still warehouse space. I measured the height from floor to bottom cord of girder on one of my inspections two days ago, and it was 14 ft. and it was all truck docks in the back. So, this is a stealth project in my opinion and it does have to do with compatibility of scale. The building's too big. It has to do with property value, that's why I feel it's important because if this area, this is really the last lot that's available, if it gets built out with the maximum size or scale as possible, it's just going to hurt us. We've taken all we can handle. We're at maximum capacity for this kind of development.

Ms. Smith: Thank you. Mr. John Smith?

(Mr. Smith said something from the audience without a microphone and it was not understandable.)

Ms. Smith: Ms. Ellen Tyler?

Ms. Tyler: (spoke without microphone so was not understandable)

Ms. Smith: I'm sorry, start again and please speak into the microphone.

Ms. Tyler: I've never done this before, and I'm real surprised.... (the rest was not understandable)....

Ms. Smith: That's OK, pull the microphone down a little bit to you. Thank you.

Ms. Tyler: 2601 West Dunbar, my name is Ellen Tyler. Our house is directly behind the wall; we're at the corner where half of our backyard is Fry's wall and half of it's the blank lot. And the think I'm concerned about, it may be stipulation 59, trees, or stipulation 17, which I know is not official one with water retention. Is when we had a rain about four or five months ago, one of the major rains, we had major flooding that happened in our backyard. And because we have where both of the walls meet, and if this has already been addressed, I don't have to go any further. I just am extremely concerned about flooding, because apparently somehow all the water, I mean I don't understand for sure, you know, my husband's not here, he'd probably know better how to explain it. It all rushed to that back corner and we literally had a backyard full of water. We had holes that were coming through the wall and, anyway I'm just concerned about flooding.

Ms. Smith: Let me just assure you that they are required to retain all water on site, and in fact, this project will in fact correct that condition.

Ms. Tyler: OK, that was my main concern because we took pictures and it all went down, but it covered our whole backyard. So, that was it. Thank you.

Ms. Smith: No problem. Thank you. Paula or Rich Leonard?

Mr. Leonard: My name is Rich Leonard and I live at 2509 West Dunbar, which is immediately adjacent to the project. Just a couple of stipulations that I would like to highlight are: 19, incorporating more brick. I know that they've put a lot on the Baseline side but I think that the way it's set up right now, it almost looks like one of those old west towns. The front looks really pretty, the back is still very concrete looking and I think it needs to be improved all around the building.

#20, to provide more articulation on the building, such as awnings, window sills, umm, those kind of things to break the industrial appearance. I think that those are again attempts to lessen the industrial appearance of this building, and I think that incorporating those would again take it away from just being a tilt panel building. Those types of stipulations require more involvement other than just the concrete slab in order

to incorporate those, so I think that that lends itself to a different appearance, a different overall feel of the building.

Stipulation #29, incorporating location of address numbers and their illumination sources into building elevation so that they do not detract from the character of the building. It's almost like, if you have a blank wall you want a very colorful picture like that; if you have a very colorful wall that's made out of brick, and this example, you would want a sign that is not so colorful. And I feel like if our neighborhood side of the property is strictly concrete it's going to be, you know, to put just a bland type sign on there would not work. So if there's more incorporation of masonry it's going to lend itself more to a type of signage or a signage that's on the ground as opposed to the illuminated signs that are up in the air, a better feel for the overall project.

Just a couple more things, as far as the back property line. Stipulation #3, about the fence along the back, I think that that's important that it's at least six ft. iron, if not an 8 ft. ornamental fence. I think that, as well as increasing the tree buffer, is important. I would like to even see the trees increased to the 36 in. box, and I'd like to see those planted prior to any construction. These kind of projects just create a tremendous amount of noise and if this project, I don't know how long these take to build, six months, eight months, there's going to be cement trucks, there's going to be backing up noises, there's going to be all kinds of noise, and I think that it's imperative that there's some kind of buffer that starts from the get-go in getting that.... I realize these projects and our homes as Mr. Spitler (??) said, are mutually exclusive. We're not trying to find a nice medium with this, we're asking that, being how it is, that this incompatible project next to our house, that something be done to lessen the effects of the two sites side by side. That's all.

Ms. Smith: Thank you. Patty or Patrick Brenner?

Mr. Brenner: Good evening, Madam Chair. My name's Patrick Brenner. I reside at 2619 West Dunbar Drive, Tempe. It is adjacent to this project. My home is probably about four houses to the west, slightly behind the Fry's Shopping Center currently. And I have attended most of the meetings since March 2000 regarding this project. I have very, very limited comments this evening. I do want to talk about, and I do appreciate your comments about drainage on site because in 1986, before the shopping center went in there, Fry's, that happened to my home also. Water went under my fence and the pool had about three in. of sediment, so I do think that this lady and other residents and neighbors who are worried about drainage and so forth, the on site retention requirement is very powerful and it's very real. And it's much better to have something there, whether it's this or another project, for that retention, than what they are seeing now because of the topography of the site.

Stipulation 1 is my main comment tonight, to eliminate 120 lineal feet and to basically cut the building in half will make a separated structure. I've yet, in all my discussions and talking to people about this, I've yet to discern why this makes any difference and why it's a plus. I do know that throughout this process there have been various ramifications and issues raised that have been proffered as, shall we say deal busters, and I'm not saying this is one, but I do know that in talking to the architects, neighbors or

anyone else who can discuss why this is a big plus, I don't know why breaking it in half and having a courtyard.... The line of site argument and the fact that you're not going to see South Mountain is extant and it's not going to go away, that's what's going to happen. So I think cutting the building in half, I've yet to have anyone really explain why this is a plus or why it makes any difference. That's my main concern.

The other items, #19 and 20 stipulations, that the developer referred to and were talked about as far as perhaps eliminating, I have no problems with that. I think the concern that was just voiced about landscaping is real and people should request certainly in the landscaping site plan that the most bullish landscaping should be proffered for the site.

But I think one of the main stipulations, 1, that it be cut in half from your purview as Design Review members, I've yet to actually hear why this makes a difference and is a plus. And I appreciate you, and thank you very much.

Ms. Smith: Thank you very much. Mr. John Smith? Mr. Smith, do you wish to...oh, sorry. Please state your name and address.

Mr. Smith: John Smith, 4806 South Fair Lane. I have two concerns. One of them the builder has been speaking about working with us, and, when we started off, the building was smaller and the parking was smaller, ah, fewer cars. I don't see how that's working with us very much. I'm not sure, I looked through the agenda, I don't see anything about traffic and that's primarily my concern, and the two cuts. We have nothing....we can't address that issue tonight?

Ms. Smith: The issue of the traffic was part of their Planning and Zoning Commission requirements, which City Council will then either agree to or disagree. If you would like to speak to those issues in front of City Council, that's one thing. We may make decisions this evening though, based upon the potential that they would incur the costs associated with the improvement of that street, which in turn may affect their ability to improve the site and the building in and of itself. So you can talk to us about if you would prefer those street improvements as opposed to potentially some building improvements.

Mr. Smith: Actually, the having two entrances off Calle los Cerros is my concern, is because they have stated they need those two entrances in order to get the traffic to Baseline, but I don't see how that will help them get to Baseline because they'll actually create their own traffic jam at the southern-most exit, because you'll have the cars going, coming out of two exits and trying to get to Baseline, supposedly. And it seems pretty obvious to me that their goal in the second curb cut is not to go to Baseline, it's to find another alternative exit, which may be through Fry's or more likely through Calle los Cerros. And that's my primary concern. Thank you.

Ms. Smith: Thank you Mr. Smith. I would like to thank the neighborhood members; you actually spoke in record time. I would like to address a couple of issues with Mr. Cutberth. It may be that I call one of the neighborhood members back up. In the moment, if you can, try to decide for yourself who might be the person that would like to speak on your behalf, if I have some additional questions. Mr. Cutberth I would like you

to address a couple of things that specifically were brought up by the neighborhood groups. I'll start with Mr. Smith's comment about two driveways on the east side of the site. Are in fact there still going to be two driveways?

Mr. Cutberth: We presented a detailed solution that showed....

Ms. Smith: Yes, let's put the site plans back up.

Mr. Cutberth: Bottom line, after several meetings with the City staff, Traffic Dept., we proposed what is shown here which was a very specific solution that we had worked out with turn pockets, landscape medians, the left turn mitigation that they spoke of, to where we don't allow any left turns into the neighborhood. Bottom line, our solution works. Bottom line, the City's solution works. The City's solution basically takes our solution, deletes one curb cut and then expands the median system to a much more extensive system. We presented an argument last week on why we needed two curb cuts; it's a very subjective issue. The Commission recommended to Council only curb cut be approved; that is the recommendation that's on the table. It'll still be our position that we'll want to look and probably further discuss the second, but at this point, the recommendation stands that it's one curb cut.

Ms. Smith: OK, interestingly enough, I'm noticing on your site plan that is different from the site plan that's in our packet this evening, with the two rows of trees an entire length across the back. The original application showed the two rows of trees across the entire length of the back, not three as I recall. I think one of the neighborhood groups mentioned that there were three, and I don't recall three. I can remember two rows, staggered.

Mr. Cutberth: Correct. What they were specifically speaking to, and back in the 1987 PAD plan that was approved with the rezone back at the time, there was a stipulation then that three rows of trees, 36 in. box, be provided. Obviously that was mitigation, for the fact that they did have a parking garage within 40 ft. of the property line. And yes, part of it was subgrade, and yes, the finished level was only 11 ft. above grade, but the having cars up even elevated 11 ft., 40 ft. from the property line, I think that speaks to why that stipulation was in place. Our proposal for two rows with staggered 24 in. box is what City staff recommends for good, healthy growth on trees. When you plant trees at 15 ft. on center, there's only so many species of a size that will survive with that kind of root closeness.

Ms. Smith: OK, so the application or site plan that we see this evening is not really an accurate reflection of what we're trying to accomplish there.

Mr. Cutberth: Yes it is. This site plan here, where it's showing the two full rows is what was stipulated and what is being approved. It's 15 on center, two rows per ordinance, with an enhancement, an additional stipulation to upsize 50% of the trees to 24 in. box. The same stipulation was placed on us last summer and was approved last summer. The only difference is that the landscape buffer that those sit within now has increased from 40 ft. from last summer to now that landscape buffer is 60 ft., so obviously there's additional plant material and trees because of that.

Ms. Smith: So the landscape plan is correct; the architectural site plan is incorrect.

Mr. Venker: Yes it is.

Ms. Smith: OK. I'd like you to discuss briefly your reasoning behind, again, pushing the building forward because I'm hearing from the neighborhood group that, first of all, they were unhappy about the other project being too far back. Now there's potential concern about the project being too far forward. What is your understanding as to the neighborhood's request?

Mr. Cutberth: Very briefly, these are the sections I spoke of earlier. I think a lot of the controversy on the placement of the building last time was created by the fact that the building was too close to the neighborhood and the site lines were blocked. This scenario that you see here represents the plan that you approved last summer, this being their houses, this being the double row of trees and the wall, the retention base and the old parking lot. This was the building with the 26 ft. high walls shown. This was the main part of the building, and if you remember, it v'd away from there. You can see the implications on the site lines. Out at Baseline Road, this created a site line blockage of approximately 90 ft. in height, just for relative scale. The new scenario that we are presenting now, the crux of it based upon feedback we got from Council members, based upon meetings that they had with the neighborhood, is get the building away from the neighborhood. So our intention was to shift the building to Baseline Road. Here is the old position, the old site line. Here is the new building as it sits now. There's two lines: this one of the outermost wings of the u-shaped, this one actually being the courtyard view that you see in a majority of the building across the middle. You can see the relative 40 and 50 ft. blockages, versus the old 90, so the obvious merits from a site plan standpoint, I think, show there.

Ms. Smith: Is the 26 ft. accurate?

Mr. Cutberth: Yes it is. That's at most I think we're looking at 26 ft. for the base of the building and the only enhancements above that, as we discussed at last summer's meeting, was enhancements necessary for architectural variety. But in terms of a base elevation on that section, that I can explain where the height is, it will be somewhere between 25 and 26, and we have said all along we will squeeze it down as low as we can get it, once we have all the final engineering done on joist sizes, etc. I think it shows it well as far as the aerial views. This is two shots, one looking toward the neighborhood, one looking from the neighborhood. I think if you look at this here, it shows the obvious merits of the separation from the neighborhood, so does this one here. We actually went out and put a tape on this building right before this meeting. The element out in front, there, the lower element that you see out in front, I believe it's the University, it's a school, right? It's 45 ft. from that element out to the curb line. Back of this building is 60 ft. Our setbacks are in the 50 ft. range here, as much as 65 ft. here, as much as 70 ft. to the peak of the building. The only place that we even come close to touching the 30 ft. setback line is right in this piece right here, that projects out, and that's only because we're being asked and are putting in a decel lane and a new

bus stop. So I think if you really look at the relative setbacks on these buildings, this building is 32 ft. tall, two-story building, we're looking at a 26-30 ft. tall building.

Ms. Smith: OK, the issue of the grade that had come up in the previous application and lowering, have you already taken that into account with your building pad height? And, by virtue of the fact that you've incorporated that, it's no longer a stipulation, or is, in effect, the building height pad the same as the previous one and the potential for the stipulation still applies?

Mr. Cutberth: Oh, I think the stipulation last time was fine because it said within reasonable engineering practices, or industry standard engineering practices. I'm fine with that same stipulation. The whole point is we have regraded the site, we have pushed the finished floor level at the conceptual stage as low as we think we can get it, but obviously again we have Baseline Road to contend with, we've got a curb cut off of Baseline Road that we're getting down to the project. We can only push the building so low and still make the grades work. I don't think triple retaining walls and putting the building down in a hole is what I would call a reasonable or industry standard in terms of how to solve the grading problem. So, I guess I would address that I think within reasonable practices we absolutely have tried to keep the finished floor as low as possible, but I'll make the same promise. If you want to make that stip in as we do final engineering, if we can get it down another 4 in., 6 in., we certainly will.

Ms. Smith: Would you also agree with my statement that retention issues and the flooding concerns at this northeast corner of the site will be mitigated entirely upon regrading and the final retention of the site?

Mr. Cutberth: Yes I would, and I think one important fact that everybody needs to understand that they don't have out there now, some of the grading problems are caused by, even though we're draining the site this way, what the engineering standards require is no matter how full that retention basin gets, the outfall to that retention basin if floods over the required of depth, has to be out to public right-of-way. So part of the complexity of solving this civil solution is that, even though we're sloping this way, because the site slopes 9 ft. that way, and retaining along the rear before water goes into the neighborhood it will go out and drain down Calle los Cerros. So that's all part of the complexities that we're dealing with in terms of balancing the grades.

Ms. Smith: One other item: In the documents it says you are going to add a row of block to the existing owner's wall. Two things: 1) You've done that based upon neighborhood request, correct?

Mr. Cutberth: Correct.

Ms. Smith: In agreement?

Mr. Cutberth: Correct.

Ms. Smith: Does your site line study reflect the additional height of the neighborhood requested wall height increase?

Mr. Cutberth: I'll be honest, I believe it does, but at a section of this scale, that additional eight inches of a block height and the impact on this site line, I can't really tell you, Ms. Smith, exactly what we've got. I mean this is obviously a diagrammatic drawing, but I think as far as relativeness, the comparison here was this versus that, and we've used exactly the same height here I think as some of the neighbors presented. The grade condition varies all along that back property line; some are depressed, some are raised up, so it's going to be slightly different in every backyard.

Ms. Smith: OK, I would like to call one neighborhood member back up to answer two questions, whoever that may be. Mr. Wilson? Oh, I'm sorry, Bill Faint. I wanted to make sure I had the right person. Do you agree that, in fact, the neighborhood has asked that the wall at the back of each of the properties be increased in height?

Mr. Faint: The one course you were just referring to?

Ms. Smith: Yes.

Mr. Faint: Yes, when it first went through the process back in August, or whatever, yes, that was something we negotiated together with the developer.

Ms. Smith: OK. I would like you to address then the one last issue of the building was back too far, now it's pushed forward. Given the site lines and information that Mr. Cutberth has provided this evening, is it still the neighborhood's concern that the building is too far forward?

Mr. Faint: In fairness, umm, to people that I've heard say that they're concerned about that, and I'll try to echo their words if I can. If you could just give me a moment to try to remember exactly what I've been told. I think the concern, and I think Ed Mitchell addressed it when he came up a minute ago, you could check the transcript when you type it, is that, the concern is that it's going to be the furthest forward on Baseline. And I know that the applicant is comparing it to the school across the street, but it's apples and oranges. That school is a lot smaller so a building that's that size pushed up 40 ft. compared to a building that's 91,000 s.f. pushed up that far is not really the same thing. So, umm, it, umm, if I had to pick between where the building was before and where it is now, I'd choose where it is now. I think most people would share that opinion, but it doesn't mean that it's tweaked perfectly. You know, I think, what we were hoping for at the P and Z, and I won't discuss the P and Z, but if they had deleted the back row of parking like they wanted to, we were hoping that that difference in space would be what they'd push the building back. Just to make it more compatible with, you see the Fry's setback to the left, the grocery store, you see the Fry's Electronics setback, just to match those, to make it look more like everything else. Does that make sense?

Ms. Smith: It makes sense, except it's diametrically opposed to....

Mr. Faint: I'm just trying to echo what I've heard...I'm not concerned about it so much, but since I'm up here to represent the neighborhood, that's a concern that I've heard and I want to accurately represent the concerns I've heard, you know, without throwing

my bias in. And I think that's fair. Is that fair Ed? (addressed to Mr. Ed Mitchell in the audience)

Mr. Mitchell: Can I say something?

Ms. Smith: Please. I'm doing this because you guys did such a great job with your five minutes. (laughter from the audience)

Mr. Faint: There was one comment that I'd hoped to make that I forgot, because I felt rushed, not to blame, but I did feel rushed with the five minute time constraint. I forgot something. I think it's really important, so when he's done can I get back up?

Ms. Smith: Just say it now.

Mr. Faint: OK, you remember in the pre-session there was a question about how much should our concerns factor into your final judgment. And I want to say, I don't mean this to hold your feet to the fire, but there's some precedence here that's stated that should be extremely important. One, is just your charter, without anything else, the thing you read at the beginning that your job is to look at compatibility of uses, not uses, of scale, architecture, things like that, ok, there's that reason why our input should be taken into account. Also, when this was remanded back through the process, City Council said that it should count. One of the reasons why they sent it back through was we cried foul and I won't talk about those details, we cried foul about the process being tilted in the developer's favor. There wasn't a fair process. And so, they wanted to respond to that and they said to the staff who were seated here at this time, staff would you please make a note that the neighborhood will be allowed to speak at DRB, it will be a public hearing this time around, because we want them to have their say and we want them to, you know, be able to impact the development. And the third reason is, umm, that the, ah, overlay ordinance which applies in this case because it's I-1 next to R1-6, says that we are to go through this process so that we can shape the development. So we have to be allowed to shape the development by law. So it's not just that what we say should ricochet off, it really should be taken into account for those three reasons, and you actually stated the moral reason, which is a fourth reason, would I want this in my backyard.

Ms. Smith: Thank you Mr. Faint. Very quickly please....

Mr. Mitchell: The question came up in Planning and Zoning, and it's what you are alluding to, it's not whether it has to be here or has to be here. Simply eliminating approximately 16 parking places right here would allow it to move back and we'd pick up some additional ones here. We're just saying that if you look at this diagram in comparison with everything else in the neighborhood or the community, it's just out of place. It is so dominant of the corridor by the way it sticks out in this side here and again, if you look at the University of Advanced Computing, that is a small footprint compared to this one. And so when you see it visually head-on, you see a narrow building, you don't see this huge frontage that we have there. And that's why we're asking. We want to free up the, it's a congested area, we want to have a better line of site for traffic, those coming off Calle los Cerros, and yeah, 30 ft. setback from, including

the bus position, or the bus stand, and everything, that's just too tight. Those cars are going to have a hard time seeing, so.....

Ms. Smith: Thank you. You just, I will only make the comment that you put the developer in a difficult position of site line versus street frontage on Baseline. If you're concerned about you, the neighborhood behind the site, and your viewpoint through to South Mountain, that's one issue. If you're concerned about how it relates to Baseline, it's another issue. And basically you cannot solve both problems with the same solution. So, therefore, pushing it back affects your site line, moving it forward potentially affects the way you feel about how it addresses Baseline. That's the issues that we, as a Board, have to decide which one and how to mitigate that. Thank you very much.

I know the Board is probably anxious to speak. However, I would like Jeff to go through one more thing so that the Board has all the information at its disposal to then make your comments. And, that is, this issue of the building section. If you have a more accurate, larger scale drawing of your building section, so that we understand the overall heights and where you come up with 26 ft., that would be appreciated.

Mr. Cutberth: Thank you. I'll be honest, this is the second time in a public forum that we've basically been accused of jimmying the numbers, and it's all here, we presented it back in December. I went through this at Planning Commission last Tuesday night; I'll go through it again now. No hidden punches, no secrets, I mean, it's as simple as this is a 16 ft. clear building. You can believe me or not to say that that's market conditions, but we do millions of square feet of this product. There are 16 ft. buildings which is a back-office type building; there is 18 ft. clear buildings which is a flex building; and then there's 24 and 30 ft. buildings which are considered more industrial or distribution buildings. You can have a building with 12 ft. of clear height that's still considered high pile combustible storage that's still an industrial building that could have a dock door in it. So there's no games being played here; our intent is to simply present a back-office building that has 16 ft. clear height, which means to the underside of the lowest structural member, which is at the outside wall where the building drains to. At that point you can see that we've allowed three ft. for structure, if I can get a joist that will do it in 34 in. instead of 36, we will. From that standpoint, we've got roof slope at a quarter inch per foot, that creates another 3 ft. of roof slope. At the top side here, we're required to have a parapet that is as high as the highest mechanical unit on the roof. We've allowed 48 in., we specify low-profile units, don't allow them to use anything higher than that. 48 includes the curb; we have a parapet that gets you to that height. I've said all along if we can get shallower members, if we can get shallower mechanical units, we will do it. But it's predicated on a 16 ft. clear and you can see the 14 ft. ceiling that we're showing in here with ductwork and lights above. 14 ft. ceilings are very common in large open uses that are as much as 120 ft. deep where they're basically full with potentially open office cubicles.

Ms. Smith: Thank you very much. Members of the Board?

Mr. Gavigan: Madam Chairwoman?

Ms. Smith: Mr. Gavigan.

Mr. Gavigan: Madam Chairwoman, if I may, I just want to hold my comments to the stipulations that we're discussing. In reference to stipulation #1, provided the site lines that have been discussed, I don't see how splitting the building would improve the view from the backyards, and I actually think it might cause some leasing problems to the building owner. So stipulation #1 I am prepared to remove. As for stipulation #19 and #20, either incorporating more bricks in 19 or in stipulation 20, I'm ready to strike both of those. The architect stated pretty clearly they have gone to, I feel just from looking at the project that they have gone to quite a bit of trouble to delineate the building in the manner that they have. I've seen a lot of different colors, textures, revealed setbacks. I don't see how tacking on some awnings and a little more brick is, would help this project. I think, I would tend to agree with the applicant. I think it would harm the project. And as for stipulation #46 and #47, kind of a contrast there, I think that from a security standpoint the metal halide is certainly better, so I would think that the neighbors would want that. But then they also say that they want something more yellow so that they can't see it, or so that it's not as obvious, so I guess in that respect, they sort of want the best of both worlds. I would tend to side with the metal halide, just simply, I believe it's a safer light, it would really brighten up that parking lot and keep the sort of activity that those neighbors are not going to want from happening in that parking lot.

Ms. Smith: Thank you.

Mr. Valenzuela: Madam Chair?

Ms. Smith: Mr. Valenzuela.

Mr. Valenzuela: I would like to first address the issue of the elevation and the length of the building. I do not support splitting the building in two. I think there's enough articulation at the front of the building to sort of mitigate the length. I can't see breaking this thing up, I don't support that at all. As far as the setback from the street, it should be considered that this is a one-story building; the Advanced Computing Commons is two stories. Fry's Electronics is higher and I believe that Fry's Supermarket is even, is higher also than this structure. I'm a little confused here, because there's conflicting stories, if you will, about maintaining view corridors to South Mountain and putting ficus trees that are big to block the view. So I don't, again, splitting the building was viewed as a way to maintain view corridors and I don't splitting the building at all. One of the neighbors mentioned about specifically the ficus trees and 36 in. box trees. I do not support that at all. They are high water use in contrast to what you may have heard. The fact that it would cost the developer \$700 or so to put in a 36 in. box tree as opposed to using half 24 in. box at \$225 or so, I think is punitive to the developer. I think that's all I have. I may have some comments later.

Ms. Smith: Other Board comments?

Ms. Bogart: Madam Chair?

Ms. Smith: Ms. Bogart.

Ms. Bogart: I'd like to reiterate I also support leaving the building whole and not separating it in the center. But I would like to address item #19 and #20, support eliminating item #20 with the additional awnings, but I do wonder if it's possible to look at the north elevation a little further and see if there's a way to incorporate a little more brick or some way to be able to a little softer towards the neighborhood. I'd also like to address the option of the metal halide or the high pressure sodium. I think from my own perspective the high pressure sodium tends to emit a strange color. It's not just a warmer color, it's a strange color. And from a person that likes to live and see real true colors, I would prefer to go with the metal halide that has a truer color than a high pressure sodium that tends to make things look unusual, and, ah, can do interesting things with the mind. So those are my comments for now. Thank you.

Mr. Regner: Madam Chair?

Ms. Smith: Mr. Regner.

Mr. Regner: Question regarding the setback of the building: Do we have water retention in the front of the building in that current setback?

Mr. Cutberth: Limited, yes. In other words, the concept is that we're taking obviously, we have to take care of all the water that falls within these areas out here. We're actually a portion of the building off to the front, as well. The intention is this depression that you're seeing here with the green turf in it is actually a shallow retention basin where our internal drains are basically discharging down into here. Part of the intent there is then we have this raised planter projecting out where our public art will be placed and I think that shows in the little sketches, you know, down there in front of you, so yes, we are creating some very uniform retention, kind of more for impact than it is for water retention here, and then there is going to obviously be a little bit of retention in these areas but they'll be more subtle swales to take care of localized water and the majority of the water will be heading toward the north because there is a 9 ft. fault to the north.

Mr. Regner: Oh, I guess, I hoped the logical question in this is if you were to move the building back some distance, and that, the only use then for that area that you're moving back would be landscaping or water retention, what would be the hardship to, if you moved it back and then reduced the amount of water retention area that you have at the north end of the property?

Mr. Cutberth: That's a very reasonable question. I was thinking about that earlier this evening. Not being a civil engineer, I can't tell you for sure that that's OK. In concept, what you're saying, as long as we can still figure out how to get more water to the front versus the rear, in theory this entire site should be able to slide based on the fact that we were 40 ft. before, we're 60 ft. now, what if it were 50 ft. and we throw another 10 ft. in front. I absolutely have no problems, obviously, with exploring that alternative and bringing it back to you post-session item.

Mr. Regner: So we could stipulate that that be explored with a civil engineer, essentially it....

Mr. Cutberth: Again, we have no motive other than trying to address what the concerns were earlier to try to maximize the site lines and get the building as far away from the neighborhood as possible. So, we'd be happy to look at that.

Mr. Regner: OK. I have another question regarding the exit from the parking area onto the street there that, in the site plan that you showed us, your renderings there, it looked as though the one entrance that you now have chosen is very close to being in line with, do you have it?

Mr. Cutberth: Are we speaking of Calle los Cerros?

Mr. Regner: Yes.

Mr. Cutberth: OK.

Mr. Regner: It's very close to being in line with the break in Calle los Cerros, in the back entrance I guess from Fry's Electronics, and so the, I guess that looked different than the black and white pencil drawing that we saw in pre-session. It looked to me like the two curb cuts or whatever were more offset, which would make it more difficult for somebody coming out of that exit to immediately zip around and head into the neighborhood.

Mr. Cutberth: Right.

Mr. Regner: The way you have it now it's almost looks too inviting, since it's just kind of a slant across and I wonder if that's causing concern, more concern with the neighbors, and if it is possible to offset that further so that it makes it a little more difficult to make that turn. I would rather see that and see another cut; I don't see how, because I'm trying to understand the exiting from this parking lot. There's two ways right now to get out, and if I'm one of 500 cars in there, and I'm assuming there aren't that many leaving at the same time, but I'm going to be frustrated getting out of the parking lot and if I have gone onto Calle los Cerros I'm going to be frustrated again getting onto Baseline. So I'm trying to figure out, would two cuts reduce that so that I'm at least out on Calle los Cerros and I'm on my way to Baseline, or is it going to make more people go out there and then want to make a U-turn into the neighborhood. I'm just trying to get a sense of what's going to happen, but we have to do something and I'm thinking if that cut across is too easy to make then we're going to see a lot of people doing it. And then I think the neighbors have a concern and I was trying to look to see where are the other places, ways to get out. It looks like you can get out by going all the way down Calle los Cerros, cut around perhaps over to 48th, or you can go through the neighborhood streets going west and also exit. So, somehow if the offsets of those cuts can be more defined, ah, greater, to discourage that at least. I don't think we're going to eliminate it, but to discourage it.

Mr. Cutberth: If it might help, I mean, I promise I'll keep it to one minute, I'll give you an overview of what's been discussed to date. Everybody recognizes that this one curb cut on Baseline Road is primarily going to be used by folks that are going that way, westbound on Baseline. They're not going to try and turn left onto Baseline from there. So that is the outlook for anybody that lives that way. Over on Calle los Cerros....

Mr. Regner: They're not going to turn east?

Mr. Cutberth: Right, you're right. They aren't going to turn east. If they're going to go westbound and you're going to take that cut, why would you mess with Calle los Cerros if you can just go through the project and go unobstructed. The things that have been done....

Mr. Regner: So have we discussed the underpass under Baseline and the loop, the cloverleaf.... You can do that, can't you? (laughter)

Mr. Cutberth: I think the one thing everybody's in agreement with what we proposed again, we're widening this side. We're actually creating a third lane where there are only two now, to create double lefts out. We're getting the new bike lanes that will go in; crosswalks, etc. So this has been pretty well beat up and agreed upon. The piece that you've spoke of....

Mr. Regner: I'm sorry, do we have, is that in place, the double left?

Mr. Cutberth: In other words, by in place, it is on both our plan as well as the Traffic Department's proposed plan, so I would say it's in agreement and it's going to Council that way, yes.

Mr. Regner: There is a plan for a light there?

Mr. Cutberth: That's part of the stipulations in the Planning Commission, is that there will be a light installed and that the developer participate in those costs. Where we get into this scenario here, that's where the controversy is. Frankly what you mentioned, ah, it's hard to see and I've got all kinds of traffic drawings that I didn't bring tonight, because I didn't think that that would be discussed in detail. But there actually is a turn pocket here that allows left turns in but prohibits the left turns out. You'd have to go down past here and make a U-turn to go back. The only difference in this and the City's solution is they introduced an additional median here that went all the way down to the south curb cut. Our concern was that Fry's trucks could not make that movement. So again, it's a detail that's going to have to be worked out. Our second cut did the same thing up here. We had a turn pocket to where left turns in, no right turns out, this one was slanted such there is no right turns in, which would prohibit or discourage traffic from cutting through the neighborhood in the morning. The only reason we left this square is because there was some earlier comments from Glenn at the Traffic Dept. about trying to keep one of the drives such that the folks from the neighborhood could come in. We volunteered to Commission that we don't mind doing that with that one either.

Mr. Regner: Well, you have to get in and out of your property....

Mr. Cutberth: And I think that's our feeling.....

Mr. Regner: OK, now is this, Fry's Electronics, is that the designated egress for their trucks?

Mr. Cutberth: Now, this is a 40 ft. cut, the one to the south is the 30 ft. cut. Their docks obviously face out here and it appears that that's what they're using for their primary truck route and I think there's no question as Calle los Cerros becomes busier because of this, traffic will back up more such that they will rely probably more on their northern cut than do on this one.

Mr. Regner: Right. And the islands will make it more difficult so we may see a reduction of truck traffic as a result of this?

Mr. Cutberth: What you'd hope is obviously all truck traffic now should be coming off of Baseline. There absolutely should be no truck traffic obviously coming through the neighborhood.

Mr. Regner: So that might be a plus for the neighborhood as well.

Mr. Cutberth: Absolutely, but they'll still be fully functional of their two drives. That was part of the stipulation, we couldn't take anything away from them that they already had.

Mr. Regner: Well, I want to say, as far as stipulation #1, I agree with the other comments. I do not support splitting of the building. I would like to see the stipulation included about increasing the setback by a reduction of the retention at the north end of the property, not a reduction of parking.

Mr. Cutberth: Can that just be as long as it's engineeringly feasible? Put some language in there...

Mr. Regner: As long as it's engineeringly feasible, through engineering.....

Ms. Smith: You would prefer to reduce the setback closest, or the amount of retention closest to the neighborhood?

Mr. Regner: That's correct. You know, as far as stipulation 19 goes, you know, gosh, yeah, I'd like to see the building a little more upscale. However, I'm not going to hold this up for that. I think the building looks nice, the way you've designed it, it's a good looking building to me and I'm not going to.... You have done so many things here that I think you've gone through more than any other project that I've seen of this type in my six and a half years on this Board. I can't think of another project that has put the developer through what you're going through for something of this size. I mean we've put some of the bigger ones through a lot, but I think you've been willing to do a lot of modifications to address the issues. So, I'm not going to stick to that one, and I'm not in favor of stipulation 20. There was a comment on stipulation 29, and I think that has to

do with, I don't think those address numbers are going to be at the back on the building anyway. They will?

Ms. Smith: That's for CPTED, in case you have a problem....

Mr. Regner: OK, those are for CPTED, and quite frankly, the larger the address numbers, the better, in my mind. And as far as the high pressure sodium versus the metal halide, I used to sell lighting, I know the difference. I agree with Ms. Bogart's comment that you have better color rendition from metal halide, and if you're wanting to, if it's aesthetics that you're looking for in color renditions, you certainly have a much better one with metal halide. However, if you want good color rendition go out in the daytime and don't worry about it at night. So, I don't see, one way the other, it's really preference, as far as security goes, you have, with high pressure sodium you have the more yellow light, it's not as bad as low-pressure sodium, but you still have less color identification and for security reasons colors of cars and things like that are not as accurate to tell what they are. So, I don't know why this is particularly at issue, there's good and bad in both of them.

Mr. Cutberth: If I could just clarify your one stipulation or suggested stipulation on the moving of the building. If it's the Board's desire to move the building back, if you feel like the building is too close to Baseline, I think that's one thing. If it's simply to try to address the concerns of the neighborhood, my position would be it's whatever the neighborhood wants. Because I'm telling you, we're fine with where it is now, we'd be fine with sliding it back 5 ft., 10 ft., so if you want to ask that question of the collaborative group, that's certainly fine with us too.

Mr. Regner: Certainly, that question is open for comment.

Ms. Smith: Before we, any other Board, do you have a south, a north elevation with this?

Mr. Cutberth: Absolutely.

Ms. Smith: If you could just put that up here.... Any other Board member?

Mr. Voss: Madam Chair?

Ms. Smith: Mr. Voss.

Mr. Voss: Thank you. I was, actually, my first question was if we could see the color elevations of the other sides of the building. Some of the perspectives you have are a little hard to see from where we are, and the black and whites in our packets don't do it justice. Thank you. And then a point of clarification, on the site plan that's in our packet, maybe this question is for Mr. Venker. Our site plan shows a series of front setbacks on Baseline of 30 ft., 40 ft. and 53 ft. Is that, and I've heard the applicant state 50 and 65, which exactly are the current setbacks as they are requesting?

Mr. Venker: Madam Chair, in answer to Mr. Voss' question, what's indicated with the setback dimensions on the site plan are accurate based upon both the existing right-of-way and future right-of-way. Towards the, sorry, the southeastern corner of the building and the property, there's a dimension of 53 ft. for a setback and that goes all the way to the building wall at that location. And then as we move towards the center of the building, it moves, that south wall of the building moves a little bit closer to the right-of-way lines so that's why you have a 40 ft. dimension at that point. And as you move farther west along Baseline you see that the right-of-way line begins to taper and change direction and move a little bit more to the north to provide for a deceleration lane and the bus bay adjacent to the southwest corner of the building, and at that point the setback is shown as 30 ft. So it varies all the way across the Baseline frontage because of the need for right-of-way changes or provisions of the bus bay and the deceleration lane.

Mr. Voss: Thank you. Just for clarification, again, the applicant has said setbacks of 50 and 65, and if you compare the site plan versus the landscape plan, the building seems to be in a different position and I just for the record, I'd like to know where you're at.

Mr. Cutberth: You bet. The difference is terminology. In terms of setbacks, they are measured by ordinance to the right-of-way line or to the property line. The numbers that I'm referring to on here on the application we show as requested or as required, that dimension to the property line which usually is some 10 ft. plus away from the actual curb. To try give a better sense of relative scale to other buildings in the area, I gave you these dimensions here, i.e., the 54, the 66, the 70 ft., those are all out to the face of curb, so I'm just trying to give you some relative scale. 60 ft. over here, more like 43 ft. on Calle los Cerros, so that's the delta that you're seeing.

Mr. Voss: Thank you. Just very quickly, I concur with most of the Board's comments here that stipulations 1, 19 and 20, I disagree with those. I do agree with the idea of potentially considering an additional 5 or 10 ft. on Baseline, because I'm uncomfortable with 30 ft. setback even though it is a decel lane pullout. I think your plan is flexible enough probably to accommodate 10 ft. either in that first bay of parking or potentially that north retention basin area. I'd like to see if we could possibly consider that with the neighborhood group. Thank you.

Mr. Nicpon: Madam Chair?

Ms. Smith: Mr. Nicpon.

Mr. Nicpon: I'm going to take a different view, but first I might point out that I've never heard more articulated comments from a neighborhood group in my history on the Board, and I appreciate those comments. And I agree with 95% of them. I was especially struck by Mr. Faint's comment regarding the height of the building, because I believe what you said was correct. I believe that can be accomplished. I have a minority view on this because I don't like this building. I like the chevron building, the initial building, way much better than this particular building. This building is unappealing to me and, but I think what happened here is when you get so many groups of individuals, including the Council, telling you what to do, what you do is you

create a camel. I think this building is a camel; I don't think it really works on this site. It's easy for someone to say, "Yeah, move it all the way up to Baseline." It's easy to say, but to do it, to accomplish it in a way that makes it a nice statement on the site is really difficult to do. So, notwithstanding the fact that I really don't like the site, notwithstanding the fact that I don't like this building, like the original building, let me tell you why I liked the original building. It had so much more to work with; it had so much more to articulate than this, which to me is much more of a box than it is something that can, that you can add some elements on.

So notwithstanding that, and since we are to the fact that this is the building, my comments are first of all, as far as the elimination I believe of stipulation 1 of eliminating 120 ft. of the building, I don't think that's, to me that doesn't work. That's the only thing I disagree with staff on. I think it should stay the way it is, regardless if you eliminate, it's not going to do anything for the line of site or anything, so I think it should stay. As far as stipulations 19 and 20, I wholeheartedly with staff. Something has got to be done to this building to give it some sort of element to make it look less like headquarters for Mack trucks. I mean, it really does not feel right to me, specifically in this area. If you just drive through this neighborhood and you look at these homes, and the way they're maintained, the kids on the streets, the quality of life that this neighborhood has, the sense of community that this neighborhood has, it really is antithetical to this building. Much more mitigated by, again, the chevron building, but I have to get off of that one, that was my favorite building.

As far as setback, you could set this building anyway you want, it's still going to be ugly as far as I'm concerned. I really think that this building is inappropriate, and I know, sir, that you are under direction from Council and others to do it, and please don't take it personally. I followed your career, you've done some great buildings in this town. We talked about the last time in September, some of the buildings that you did on Warner, fabulous, fabulous buildings. But, set it anywhere you want. Agreeing with the neighbors, I'd put it anywhere you want. As far as metal halide versus sodium is concerned, I really think folks in the neighborhood, really, they should look into it a little bit more, get a test done, get some people out there with both, and I think you're going to find that metal halide is a lot better for your needs. But if you decide it should be the high pressure sodium, that would be fine with me. No one addressed when you plant the trees. I'm a big believer in trees. I think the trees, you know, the old Norwegian proverb, "When do you plant a tree? Yesterday." The sooner the better. I also think that 36 in. boxes are much better than a 24, notwithstanding my good friend, Mr. Valenzuela, if you add 9,000 s.f. to the building, that will self liquidate the cost of putting 36 in. box trees in as far as I'm concerned.

Last comment, you know, all the people in Calle los Cerros neighborhood, you're going to make the traffic reports every 5:00 because the traffic cop is going to come across and they're going to talk about this unbelievable stoppage of traffic on this Baseline and Calle los Cerros. Something has to be done. I don't think that, if it's the traffic light that's going to have to solve that problem, I really don't know but trying to get all those people out of there at the same time, and that's usually what's going to happen. Unless you have a staggered start and staggered finish for the workers, it's going to be unbearable.

So, my minority report finalized, I like the original building, but I would absolutely insist that stipulations 19 and 20 have got to be worked out because we have to do something to this building to make it a lot more appealing to, not just the people in the neighborhood, but also from the street as well. Madam Chair, thank you very much.

Mr. Venker: Madam Chair?

Ms. Smith: Mr. Venker.

Mr. Venker: Mr. Nicpon comments have provided a segue opportunity for me to direct the Board's attention to the first three criteria that we utilize when we're analyzing projects, and to let you know that the conditions that we've put before you, items #1, #19 and 20, are in response to those three criteria. First one being that materials used in constructing, finishing, accenting and trimming any building shall be of a superior quality and compatible with any material used in building structures adjacent to the applicant's property. Number two, the building's structures shall be in proper scale with the proposed site and in proper scale with other buildings and structures in the proximity. And then, number three, special treatment of doors, doorways, windows, and walkways shall be required to provide relief, shadow and shade whenever possible. These three we believe go towards the objectives that we always try to bring to a project, which is to bring elements that provide a human scale, regardless of the size of the project, and provide visual interest to enhance the appearance of the project and the City as a whole. And, I would like to encourage you to reconsider your position on conditions 1, 19 and 20. Thank you.

Mr. Regner: Madam Chair?

Ms. Smith: Mr. Regner.

Mr. Regner: Mr. Cutberth, if a motion was made this evening that deleted stipulation #1, so that we're not dealing with the splitting of the building, and in consideration of adding a suggestion to move the property approximately 10 ft. to the north, are there any provisions or any changes that you would be willing to suggest here tonight and work, and accept tonight on stipulations 19 and 20, that we can go ahead and include now and move on with this project?

Mr. Cutberth: To be honest, there really aren't. And I am not saying that just to be stubborn, but it's like we got, and I won't get into the details, we've got a very, I think a very clean design concept of why the building is like it is. We believe firmly that it is a very good building and, whereas I certainly appreciate Mr. Nicpon's comments, obviously, as an architect, disagree with it, but that's what architecture is all about. It is subjective. What some people like, other people hate. That's part of the nature of it, so I respect everybody's opinion on that. We think this is a very good building and, to me, to add things on to it is simply doing that, it's adding things on to it. The concrete is a wonderful contrast to the textured masonry. I think just because it's tilt-up concrete, this could be E.F.I.S., it could be very expensive pre-cast concrete made in a shop that would cost twice the money and it would still look the same from the street. We've used

color, shade, shadow, articulation, changes of materials...I feel like it's a good design. So I guess, to say that there's a compromise tonight that we're willing to propose, I'd probably respectfully say no.

Mr. Valenzuela: Madam Chair?

Ms. Smith: Mr. Valenzuela.

Mr. Valenzuela: I'd like some clarification from staff, if I could, on stipulation #59. I think with my dealings in the City and putting plans through and so on, that one of the City stipulations is that those perimeter trees be low water use. Is that correct, Mr. Venker?

Mr. Venker: Madam Chair, to answer Mr. Valenzuela's question, the City is obligated to make certain that low-water use plants are used for a majority of landscapable areas on a site that's this large. So the developer has an opportunity to use high-water using plants in a very limited way throughout his development. If he chose to use that portion in this buffer that's along the north property line, that's probably his prerogative. Or he chooses to use it elsewhere on the site, it's also an opportunity for him.

Mr. Valenzuela: Thank you.

Ms. Bogart: Madam Chair?

Ms. Smith: Ms. Bogart.

Ms. Bogart: Just two quick questions. One, both in response to Mr. Nicpon's comments, I don't know if it's anything we have any say on whatsoever, but is there anyway we could put a stipulation in to request that the trees be planted prior to construction commencing, or that's a contractor means and method?

Mr. Venker: Madam Chair, to answer Ms. Bogart's question, I think it would be more appropriate to allow the grading of the project, the retention basin to proceed, that we consider that to be a building permit. So we would at least need to allow that to begin and get those grades set before we were to suggest that they plant any trees. But I think that portion of the site probably could be looked at as the first portion to be planted, but how to sequence that within the overall development of the project, we'd probably have to work with the applicant to try and work that out.

Ms. Bogart: I think that would be something very useful to the community. My second comment addresses that additional ten feet that we are going to gain up against Baseline, and I've got a great place for that. I'd like to see that be a buffer between the street and the pedestrian area. Is there a way to put a landscaping buffer between the street with the cars and the people and the sidewalk?

Mr. Venker: For that to happen, we'd have to work with the applicant to obtain an easement to allow the public sidewalk that has to be provided along the street or adjacent to the street, for that to be on the property, or else require some additional right-of-way to be provided so that the landscape area could be provided between the

curb and the sidewalks, which is what your suggestion is. At this point in time, I'm not sure how that would affect the site plan, and the drainage areas he has proposed for the street frontage area of the building.

Mr. Regner: Mr. Chair?

Ms. Smith: Mr. Regner.

Mr. Regner: Madam Chair, excuse me. I'd like to make a motion.

Ms. Smith: I haven't spoken yet, so if you could just hold off a second.

Mr. Regner: Mr. Regner yields.

Ms. Smith: In my opinion, this applicant has done a significant amount of due diligence with respect to both the neighborhood, City Council, different departments within the City. The drawings, the studies, the variations, are quite extensive and quite frankly, at this time, I'm not really sure to what extent City Council is going to approve Planning and Zoning's recommendations, which, quite frankly, you're rebuilding Calle los Cerros. This is the end of that. And in doing so, I think, quite frankly, we've jeopardized the potential monies that could have gone into increasing the potential masonry on this building, and so on and so forth. I do believe that there is a huge cost impact to those street improvements, one that could not have been anticipated to the degree that they are. I would only say also that I hope nobody from your neighborhood plans to work in this building, because if they did, getting back to your home has been made very, very difficult. So I'm assuming here that nobody will be accepting a position with a company that leases from these spaces. However, the final site plan and its ultimate design will obviously be involved in the City Council's approval process, especially with the way it relates to traffic.

Adding the stipulation that potentially moves back 10 ft., I would encourage the Board not to request that this project have to go before another variance, another easement, another potential approval process that, heretofore, they haven't at least had to negotiate from that standpoint. A couple of things: 1) I agree that stipulation 1 is inappropriate. I do think this building is appropriately designed as it's shown; the glass does break the building up into two separate buildings and, although it's not necessarily a view corridor per se, it does act to separate those buildings architecturally.

My only concern with stipulations 19 and 20 are that in fact we've asked them to do so many off-site improvements that a consideration for both is inappropriate. However, if City Council disagrees and in any way mitigates that, then potentially the consideration for additional architectural elements or modifications or those materials may be appropriate. So I might suggest potentially that the motion maker allow for that option in his motion.

Stipulation #9 which hasn't been discussed talks about the boxing in of the parking canopies, and I would actually like to request that the motion include that the materials for those parking canopies match, in fact, the materials for the columns, in particular,

match the materials for the building. Therefore, they have two choices, and glass is not one of them: It needs to be either masonry or concrete for those columns. So I would like to in fact narrow that, not to simply just match the architectural design, but to in fact be the materials from the project.

I think the stipulation talking about the, with respect to #19 as well, I think the details, should they be brought back, should come back before the Board in a post-session item and not just to staff. And should stipulation 20 be maintained, that that also reflect the same thing, to be brought back before the Board.

Stipulation #47 allows for either fixture and I don't really believe a modification to that is required. And I do believe the 24 in. box trees are plenty. However, if you are at all familiar with construction and construction processes, those trees will die before construction is complete. And although it might be nice to avoid the noise or potentially some of the dust, which quite frankly they will be obligated to keep the dust down with water and so forth, it is not financially feasible to put those trees in twice. So, in my opinion, the sequence of operations to install those trees probably towards the end of the project is appropriate such that they don't die on site while construction is underway.

I would like to tell the neighborhood group I appreciate you being here this evening, but I also believe this applicant has in fact addressed several of your issues, several ways, with several agreements. He's even been so agreeable as to agree at this point to move the building back potentially 10 ft., 15 ft., 5 ft., realizing that that incurs costs associated with the redesign of the civil, the redesign of the site plan, the redrawing of those elements. And I'm sure that to you that's a minor issue; however, this isn't the first time this building's been drawn. And quite frankly, unfortunately, it was through your input that this building has been changed to what it is today. So Mr. Nicpon's concerns unfortunately were actually brought about by virtue of trying to address neighborhood issues. So I do hope that you appreciate what has been done here. Obviously in your opinion, quite frankly, no building is probably better to you than any building so far that's been presented. So I would like to state that, overall, this project has answered a lot of your issues, and I do believe that the overall height of the building is appropriate given the section that we reviewed. With that, if there is a motion?

Mr. Regner: Madam Chair?

Ms. Smith: Mr. Regner.

Mr. Regner: I'd like to make a motion to approve DRB01011 deleting stipulation #1; deleting stipulation #19; modifying stipulation #20 to delete the text currently and add text that should the City Council reinstate stipulations 19 and/or 20 that they will return to the DR Board as a post-session item. Stipulation #9, that the material of the columns be the same material as the building. 46 and 47, I'm not modifying those. I was considering a modification to stipulation #59 to add that the planting schedule also be approved by the staff. After Ms. Smith's comments, I am not going to include that. But I would to add a stipulation, I believe it would be 72, that the applicant increase the setback of the south face approximately 10 additional feet, thereby increasing the water

retention and reducing the water retention area at the north boundary of the property, if feasible according to generally accepted civil engineering principles and financial impact to the applicant.

Mr. Venker is there a stipulation on site pad height that we need to consider?

Mr. Regner: At this time, I don't think we have one.

Ms. Smith: Can we reference the stipulation from the previous....

Mr. Venker: Let me get a clarification of what you are trying to achieve. Last time, there was a specific finished floor elevation that was identified in an effort to mitigate the building height. Now that the building has been shifted to the south edge, and listening to Mr. Cutberth's explanation about the way they have the drainage designed at this point in time, I'm not sure that we would, I'm not sure that the Board would be able to achieve what I think you're trying to achieve by recommending, or conditioning, modifying the finished floor elevation by condition, lowering it.

Mr. Regner: I think Mr. Cutberth said he would explore and try to bring to the minimum height possible and still achieve the drainage, the proper drainage. Let me try to add a stipulation #73, that the building height be relative to the, I guess the lowest possible grade height, or structural impact to achieve the lowest overall elevation of the structure. Dianne's wondering what I just said there.... Mr. Cutberth could you help us?

Mr. Cutberth: As a point of clarification you're now addressing not just the finished floor, you're addressing a combination of the finished floor height plus the elements that make up the elements that get you to the top of the parapet. If you wanted to tie those into a single stipulation, I think you could simply state that we would explore the finished floor height as well as the other vertical elements of the building to achieve the overall lowest top-of-parapet height within a 16 ft. clear height building. However you want to do it, I understand your concept.

Mr. Regner: Now, Dianne, do you understand what he just said? OK, would you say it one more time, please.

Mr. Cutberth: Sure. If I say, are you all OK with the concept, is that what you're trying to say?

Mr. Regner: That's the concept I think we're trying to get at.

Mr. Cutberth: So, I think it would be: Explore the finished floor elevation and building components to achieve an overall height of top-of-parapet as low as possible, within, I can either do the parameters as presented tonight, or within a 16 ft. clear height building. I'm fine with the 16 ft. clear height building, if that works for you.

Mr. Regner: That would be stipulation #73.

Mr. Cutberth: Maybe we could add in there, within reasonable engineering practices.

Mr. Regner: Mr. Venker can I use the applicant's testimony, wording?

Mr. Venker: Yes you can.

Mr. Cutberth: I would like to add that though if I could, to say within industry standard engineering practices, because there's no end to what you could do.

Ms. Smith: I believe we have a motion. Do we have a second?

Mr. Gavigan: Second.

Ms. Smith: Motion has been moved and seconded. Any further discussion?

Mr. Valenzuela: Madam Chair?

Ms. Smith: Mr. Valenzuela.

Mr. Valenzuela: Regarding your question regarding stipulation #9, I'd like to ask Mr. Cutberth if I could, it sounds like Chairman Smith would like masonry to wrap those columns. Am I correct in that assumption?

Ms. Smith: Wrap or create.

Mr. Valenzuela: I'm assuming that typical to most of these kinds of office projects that the parking canopies will be metal as will the poles, the posts.

Mr. Cutberth: Correct.

Mr. Valenzuela: What kind of, will it present any undue costs or hardships, not, or even further down the line, other hardships for people parking in those canopies, to wrap the columns with masonry?

Mr. Cutberth: Absolutely, within reason. But I guess the reason I sit so calmly and still is that I've found that I think as long as we present some creative solutions, whether or not, I don't think that necessarily means a 2 x 2 masonry column going all the way to the bottom of the canopy, because in my mind then you're setting a big tin canopy on top of a big chunky piece of masonry. I think if that means somehow tying in masonry bases or elements that somehow incorporate a little of the masonry in with the steel column to somehow tie it back to some elements in the building, if that's what it takes on this project, we're not opposed to exploring that. All I would ask is that whether it's details opposed, or ah, reviewed by staff, we're certainly happy to bring it back as a post-session item to let you take a look... I would just hope that you would allow some creativity within the exploration of that solution.

Mr. Regner: Madam Chair?

Ms. Smith: Yes I would, since there's no stucco on the building, it just confirms they will not be stucco.

Mr. Regner: Madam Chair?

Ms. Smith: Yes?

Mr. Regner: I'd like to amend the motion on stipulation #9. I'd like to leave the text as it is, with the stipulation that the design be returned to the DRB in post-session. So essentially we're saying that it's designed to match the architectural character of the main building on site as it originally was stated.

Ms. Smith: It's been moved and seconded, with some discussion. Any further discussion? Oh, does the second agree?

Mr. Gavigan: Madam Chair, I do agree.

Ms. Smith: Great. Any other discussion?

Mr. Valenzuela: Madam Chair, I do have another question of staff. Regarding the stipulations 19 and 20, I think it was moved that should these come back, or excuse me, should the Council reverse our decision on these stipulations... Is that typical to put wording in there like that, that if something comes back we do this, or would it be better and cleaner just to say that, to eliminate 19 and 20 and we'll just play whatever comes back to us at that time.

Mr. Venker: Madam Chair, to answer Mr. Valenzuela's question, I think it probably would be better at this point to simply eliminate 19 and 20, and notice I'm biting my tongue when I say that. The reason I suggest that is that it does make it cleaner, and if there happens to be an appeal of those two conditions to City Council, and they decide to make it a part of their final approval, they can remand those two items back to the Board for further review or let the staff work it out. But at this point, I would recommend that you eliminate 19 and 20 completely.

Mr. Regner: In the interest of a gentle reminder to the Mayor and Council to include that in their stipulation, should they decide to reinstate those, I would like to leave it in.

Ms. Smith: It has been moved and seconded. All those in favor, say aye.

Mr. Valenzuela: Excuse me. I still have a question regarding that. I'm sorry, but, if that's in there, I mean, let me find my train of thought again. If that's in there, do they have, are they under any obligation to send that back to the Design Review Board, the City Council?

Mr. Venker: I would have to say, they're probably not, because they are a superior body to this body.

Mr. Regner: It is not intended to bind them to any action, Madam Chair, excuse me. It is there to, as I said, as a reminder that that would be the course and also as a Board I would like to see us see that again, should that happen.

Ms. Smith: Basically, if those stipulations are put back into place, the redesign of the building has to come back before the Board, as in fact, you've redesigned the building. Any other discussion? All those in favor, say aye.

Board: Aye.

Ms. Smith: Opposed?

Mr. Nicpon: Aye.

Ms. Smith: One opposition, six approved. Motion carries.